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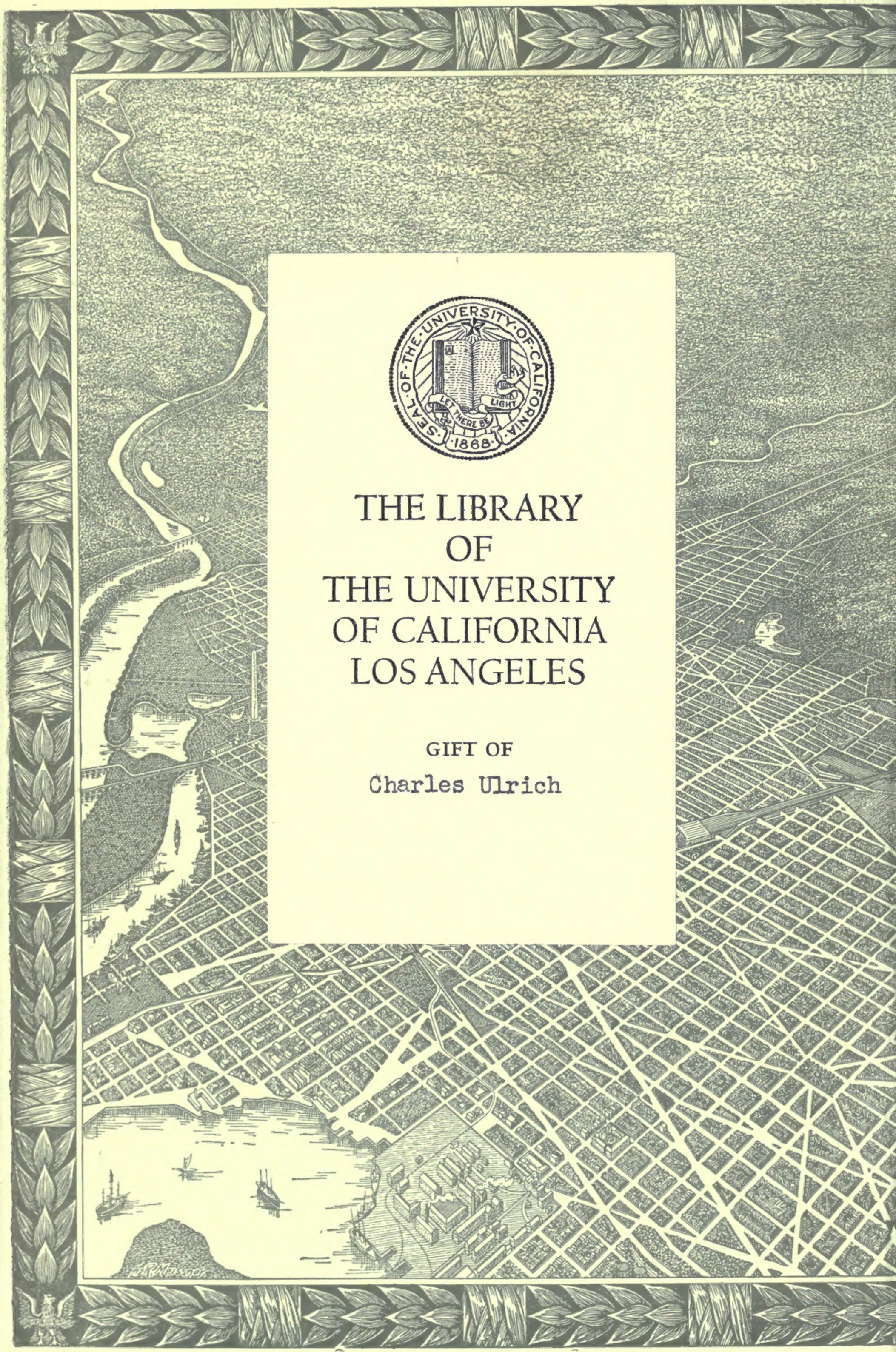

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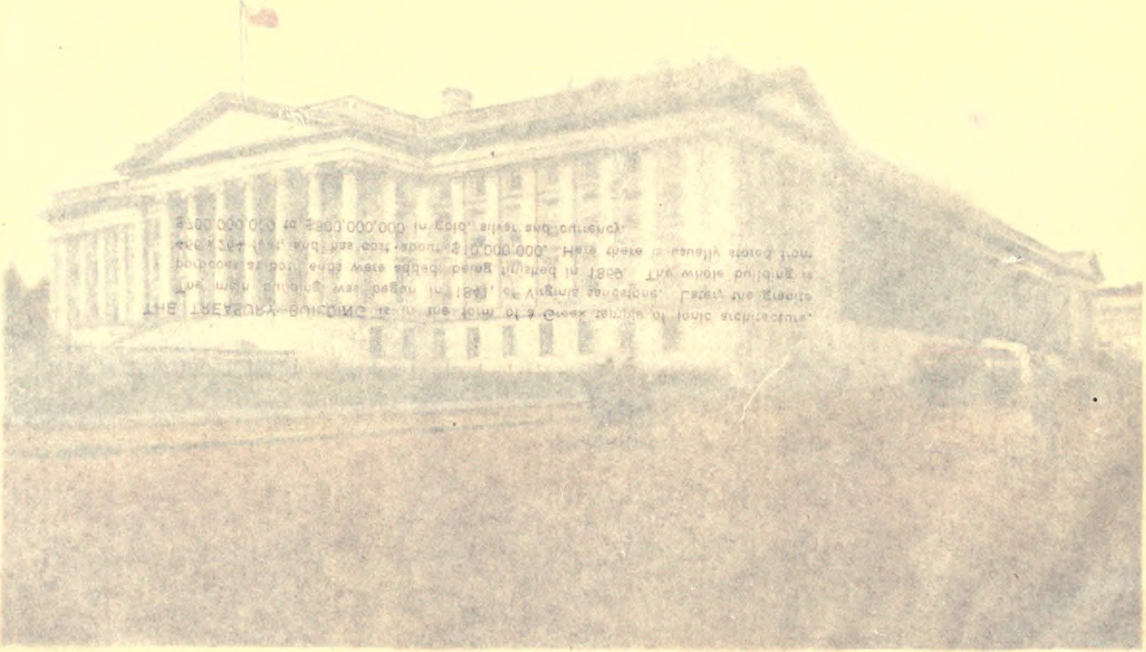
Treasury Department

THE TREASURY BUILDING is in the form of a Greek temple of Ionic architecture. The main building was begun in 1841, of Virginia sandstone. Later, the granite porticoes at both ends were added, being finished in 1869. The whole building is 466 x 264 feet, and has cost about $10,000,000. Here there is usually stored from $700,000,000 to $800,000,000 in gold, silver and currency.



Treasury Department

A COMPILATION
OF THE
MESSAGES AND PAPERS
OF THE
PRESIDENTS

Prepared Under the Direction of the Joint Committee
on Printing, of the House and Senate,
Pursuant to an Act of the Fifty-Second Congress
of the United States

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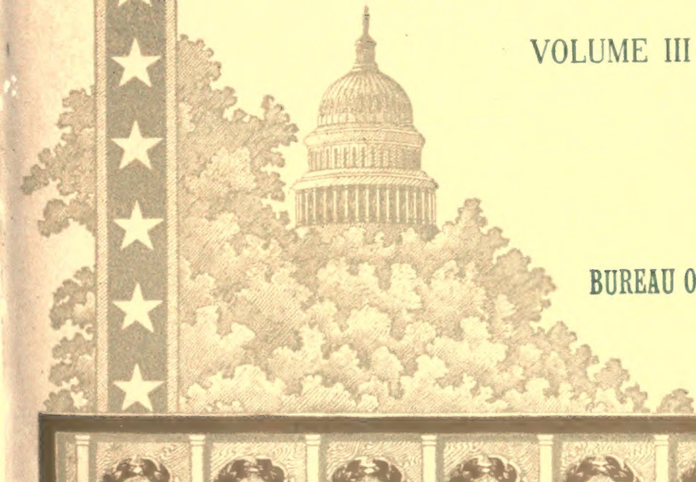
VOLUME III



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their interest and our own, I have thought it more consistent with the spirit of our institutions to refer the subject again to the paramount authority of the Legislature to decide what measure the emergency may require than abruptly by proclamation to carry into effect the minatory provisions of the act of 1824.

During the last session of Congress treaties of amity, navigation, and commerce were negotiated and signed at this place with the Government of Denmark, in Europe, and with the Federation of Central America, in this hemisphere. These treaties then received the constitutional sanction of the Senate, by the advice and consent to their ratification. They were accordingly ratified on the part of the United States, and during the recess of Congress have been also ratified by the other respective contracting parties. The ratifications have been exchanged, and they have been published by proclamations, copies of which are herewith communicated to Congress.

These treaties have established between the contracting parties the principles of equality and reciprocity in their broadest and most liberal extent, each party admitting the vessels of the other into its ports, laden with cargoes the produce or manufacture of any quarter of the globe, upon the payment of the same duties of tonnage and impost that are chargeable upon their own. They have further stipulated that the parties shall hereafter grant no favor of navigation or commerce to any other nation which shall not upon the same terms be granted to each other, and that neither party will impose upon articles of merchandise the produce or manufacture of the other any other or higher duties than upon the like articles being the produce or manufacture of any other country. To these principles there is in the convention with Denmark an exception with regard to the colonies of that Kingdom in the arctic seas, but none with regard to her colonies in the West Indies.

In the course of the last summer the term to which our last commercial treaty with Sweden was limited has expired. A continuation of it is in the contemplation of the Swedish Government, and is believed to be desirable on the part of the United States. It has been proposed by the King of Sweden that pending the negotiation of renewal the expired treaty should be mutually considered as still in force, a measure which will require the sanction of Congress to be carried into effect on our part, and which I therefore recommend to your consideration.

With Prussia, Spain, Portugal, and, in general, all the European powers between whom and the United States relations of friendly intercourse have existed their condition has not materially varied since the last session of Congress. I regret not to be able to say the same of our commercial intercourse with the colonial possessions of Great Britain in America. Negotiations of the highest importance to our common interests have been for several years in discussion between the two Governments, and on the part of the United States have been invariably pursued in the spirit of candor and conciliation. Interests of great magnitude and delicacy had been adjusted by the conventions of 1815 and 1818, while that of 1822, mediated by the late Emperor Alexander, had promised a satisfactory compromise of claims which the Government of the United States, in justice to the rights of a numerous class of their citizens, was bound to sustain. But with regard to the commercial intercourse between the United States and the British colonies in America, it has been hitherto found impracticable to bring the parties to an understanding satisfactory to both. The relative geographical position and the respective products of nature cultivated by human industry had constituted the elements of a commercial intercourse between the United States and British America, insular and continental, important to the inhabitants of both countries; but it had been interdicted by Great Britain upon a principle heretofore practiced upon by the colonizing nations of Europe, of holding the trade of their colonies each in exclusive monopoly to herself. After the termination of the late war this interdiction had been revived, and the British Government declined including this portion of our intercourse with her possessions in the negotiation of the convention of 1815. The trade was then carried on exclusively in British vessels till the act of Congress, concerning navigation, of 1818 and the supplemental act of 1820 met the interdict by a corresponding measure on the part of the United States. These measures, not of retaliation, but of necessary self-defense, were soon succeeded by an act of Parliament opening certain colonial ports to the vessels of the United States coming directly from them, and to the importation from them of certain articles of our produce burdened with heavy duties, and excluding some of the most valuable articles of our exports. The United States opened their ports to British vessels from the colonies upon terms as exactly corresponding with those of the act of Parliament as in the relative position of the parties could be made, and a negotiation was commenced by mutual consent, with the hope on our part that a reciprocal spirit of accommodation and a common sentiment of the importance of the trade to the interests of the inhabitants of the two countries between whom it must be carried on would ultimately bring the parties to a compromise with which both might be satisfied. With this view the Government of the United States had determined to sacrifice something of that entire reciprocity which in all commercial arrangements with foreign powers they are entitled to demand, and to acquiesce in some inequalities disadvantageous to ourselves rather than to forego the benefit of a final and permanent adjustment of this interest to the satisfaction of Great Britain herself. The negotiation, repeatedly suspended by accidental circumstances, was, however, by mutual agreement and express assent, considered as pending and to be speedily resumed. In the meantime another act of Parliament, so doubtful and ambiguous in its import as to have been misunderstood by the officers in the colonies who were to carry it into execution, opens again certain colonial ports upon new conditions and terms, with a threat to close them against any nation which may not accept those terms as prescribed by the British Government. This act, passed in July, 1825, not communicated to the Government of the United States, not understood by the British officers of the customs in the colonies where it was to be enforced, was nevertheless submitted to the consideration of Congress at their last session. With the knowledge that a negotiation upon the subject had long been in progress and pledges given of its resumption at an early day, it was deemed expedient to await the result of that negotiation rather than to subscribe implicitly to terms the import of which was not clear and which the British authorities themselves in this hemisphere were not prepared to explain.

Immediately after the close of the last session of Congress one of our most distinguished citizens was dispatched as envoy extraordinary and minister plenipotentiary to Great Britain, furnished with instructions which we could not doubt would lead to a conclusion of this long-controverted interest upon terms acceptable to Great Britain. Upon his arrival, and before he had delivered his letters of credence, he was met by an order of the British council excluding from and after the 1st of December now current the vessels of the United States from all the colonial British ports excepting those immediately bordering on our territories. In answer to his expostulations upon a measure thus unexpected he is informed that according to the ancient maxims of policy of European nations having colonies their trade is an exclusive possession of the mother country; that all participation in it by other nations is a boon or favor not forming a subject of negotiation, but to be regulated by the legislative acts of the power owning the colony; that the British Government therefore declines negotiating concerning it, and that as the United States did not forthwith accept purely and simply the terms offered by the act of Parliament of July, 1825, Great Britain would not now admit the vessels of the United States even upon the terms on which she has opened them to the navigation of other nations.

We have been accustomed to consider the trade which we have enjoyed with the British colonies rather as an interchange of mutual benefits than as a mere favor received; that under every circumstance we have given an ample equivalent. We have seen every other nation holding colonies negotiate with other nations and grant them freely admission to the colonies by treaty, and so far are the other colonizing nations of Europe now from refusing to negotiate for trade with their colonies that we ourselves have secured access to the colonies of more than one of them by treaty. The refusal, however, of Great Britain to negotiate leaves to the United States no other alternative than that of regulating or interdicting altogether the trade on their part, according as either measure may affect the interests of our own country, and with that exclusive object I would recommend the whole subject to your calm and candid deliberations.

It is hoped that our unavailing exertions to accomplish a cordial good understanding on this interest will not have an unpropitious effect upon the other great topics of discussion between the two Governments. Our northeastern and northwestern boundaries are still unadjusted. The commissioners under the seventh article of the treaty of Ghent have nearly come to the close of their labors; nor can we renounce the expectation, enfeebled as it is, that they may agree upon their report to the satisfaction or acquiescence of both parties. The commission for liquidating the claims for indemnity for slaves carried away after the close of the war has been sitting, with doubtful prospects of success. Propositions of compromise have, however, passed between the two Governments, the result of which we flatter ourselves may yet prove satisfactory. Our own dispositions and purposes toward Great Britain are all friendly and conciliatory; nor can we abandon but with strong reluctance the belief that they will ultimately meet a return, not of favors, which we neither ask nor desire, but of equal reciprocity and good will.

With the American Governments of this hemisphere we continue to maintain an intercourse altogether friendly, and between their nations and ours that commercial interchange of which mutual benefit is the source and mutual comfort and harmony the result is in a continual state of improvement. The war between Spain and them since the total expulsion of the Spanish military force from their continental territories has been little more than nominal, and their internal tranquillity, though occasionally menaced by the agitations which civil wars never fail to leave behind them, has not been affected by any serious calamity.

The congress of ministers from several of those nations which assembled at Panama, after a short session there, adjourned to meet again at a more favorable season in the neighborhood of Mexico. The decease of one of our ministers on his way to the Isthmus, and the impediments of the season, which delayed the departure of the other, deprived us of the advantage of being represented at the first meeting of the congress. There is, however, no reason to believe that any of the transactions of the congress were of a nature to affect injuriously the interests of the United States or to require the interposition of our ministers had they been present. Their absence has, indeed, deprived us of the opportunity of possessing precise and authentic information of the treaties which were concluded at Panama; and the whole result has confirmed me in the conviction of the expediency to the United States of being represented at the congress. The surviving member of the mission, appointed during your last session, has accordingly proceeded to his destination, and a successor to his distinguished and lamented associate will be nominated to the Senate. A treaty of amity, navigation, and commerce has in the course of the last summer been concluded by our minister plenipotentiary at Mexico with the united states of that Confederacy, which will also be laid before the Senate for their advice with regard to its ratification.

In adverting to the present condition of our fiscal concerns and to the prospects of our revenue the first remark that calls our attention is that they are less exuberantly prosperous than they were at the corresponding period of the last year. The severe shock so extensively sustained by the commercial and manufacturing interests in Great Britain has not been without a perceptible recoil upon ourselves. A reduced importation from abroad is necessarily succeeded by a reduced return to the Treasury at home. The net revenue of the present year will not equal that of the last, and the receipts of that which is to come will fall short of those in the current year. The diminution, however, is in part attributable to the flourishing condition of some of our domestic manufactures, and so far is compensated by an equivalent more profitable to the nation. It is also highly gratifying to perceive that the deficiency in the revenue, while it scarcely exceeds the anticipations of the last year's estimate from the Treasury, has not interrupted the application of more than eleven millions during the present year to the discharge of the principal and interest of the debt, nor the reduction of upward of seven millions of the capital of the debt itself. The balance in the Treasury on the 1st of January last was $5,201,650.43; the receipts from that time to the 30th of September last were $19,585,932.50; the receipts of the current quarter, estimated at $6,000,000, yield, with the sums already received, a revenue of about twenty-five millions and a half for the year; the expenditures for the three first quarters of the year have amounted to $18,714,226.66; the expenditures of the current quarter are expected, including the two millions of the principal of the debt to be paid, to balance the receipts; so that the expenses of the year, amounting to upward of a million less than its income, will leave a proportionally increased balance in the Treasury on the 1st of January, 1827, over that of the 1st of January last; instead of $5,200,000 there will be $6,400,000.

The amount of duties secured on merchandise imported from the commencement of the year till September 30 is estimated at $21,250,000, and the amount that will probably accrue during the present quarter is estimated at $4,250,000, making for the whole year $25,500,000, from which the drawbacks being deducted will leave a clear revenue from the customs receivable in the year 1827 of about $20,400,000, which, with the sums to be received from the proceeds of public lands, the bank dividends, and other incidental receipts, will form an aggregate of about $23,000,000, a sum falling short of the whole expenses of the present year little more than the portion of those expenditures applied to the discharge of the public debt beyond the annual appropriation of $10,000,000 by the act of the 3d March, 1817. At the passage of that act the public debt amounted to $123,500,000. On the 1st of January next it will be short of $74,000,000. In the lapse of these ten years $50,000,000 of public debt, with the annual charge of upward of $3,000,000 of interest upon them, have been extinguished. At the passage of that act, of the annual appropriation of ten millions seven were absorbed in the payment of interest, and not more than three millions went to reduce the capital of the debt. Of the same ten millions, at this time scarcely four are applicable to the interest, and upward of six are effective in melting down the capital. Yet our experience has proved that a revenue consisting so largely of imposts and tonnage ebbs and flows to an extraordinary extent, with all the fluctuations incident to the general commerce of the world. It is within our recollection that even in the compass of the same last ten years the receipts of the Treasury were not adequate to the expenditures of the year, and that in two successive years it was found necessary to resort to loans to meet the engagements of the nation. The returning tides of the succeeding years replenished the public coffers until they have again begun to feel the vicissitude of a decline. To produce these alternations of fullness and exhaustion the relative operation of abundant or unfruitful seasons, the regulations of foreign governments, political revolutions, the prosperous or decaying condition of manufactures, commercial speculations, and many other causes, not always to be traced, variously combine. We have found the alternate swells and diminutions embracing periods of from two to three years. The last period of depression to us was from 1819 to 1822. The corresponding revival was from 1823 to the commencement of the present year. Still, we have no cause to apprehend a depression comparable to that of the former period, or even to anticipate a deficiency which will intrench upon the ability to apply the annual ten millions to the reduction of the debt. It is well for us, however, to be admonished of the necessity of abiding by the maxims of the most vigilant economy, and of resorting to all honorable and useful expedients for pursuing with steady and inflexible perseverance the total discharge of the debt.

Besides the seven millions of the loans of 1813 which will have been discharged in the course of the present year, there are nine millions which by the terms of the contracts would have been and are now redeemable. Thirteen millions more of the loan of 1814 will become redeemable from and after the expiration of the present month, and nine other millions from and after the close of the ensuing year. They constitute a mass of $31,000,000, all bearing an interest of 6 per cent, more than twenty millions of which will be immediately redeemable, and the rest within little more than a year. Leaving of this amount fifteen millions to continue at the interest of 6 per cent, but to be paid off as far as shall be found practicable in the years 1827 and 1828, there is scarcely a doubt that the remaining sixteen millions might within a few months be discharged by a loan at not exceeding 5 per cent, redeemable in the years 1829 and 1830. By this operation a sum of nearly half a million of dollars may be saved to the nation, and the discharge of the whole thirty-one millions within the four years may be greatly facilitated if not wholly accomplished.

By an act of Congress of 3d March, 1835, a loan for the purpose now referred to, or a subscription to stock, was authorized, at an interest not exceeding 4½ per cent. But at that time so large a portion of the floating capital of the country was absorbed in commercial speculations and so little was left for investment in the stocks that the measure was but partially successful. At the last session of Congress the condition of the funds was still unpropitious to the measure; but the change so soon afterwards occurred that, had the authority existed to redeem the nine millions now redeemable by an exchange of stocks or a loan at 5 per cent, it is morally certain that it might have been effected, and with it a yearly saving of $90,000.

With regard to the collection of the revenue of imposts, certain occurrences have within the last year been disclosed in one or two of our principal ports, which engaged the attention of Congress at their last session and may hereafter require further consideration. Until within a very few years the execution of the laws for raising the revenue, like that of all our other laws, has been insured more by the moral sense of the community than by the rigors of a jealous precaution or by penal sanctions. Confiding in the exemplary punctuality and unsullied integrity of our importing merchants, a gradual relaxation from the provisions of the collection laws, a close adherence to which would have caused inconvenience and expense to them, had long become habitual, and indulgences had been extended universally because they had never been abused. It may be worthy of your serious consideration whether some further legislative provision may not be necessary to come in aid of this state of unguarded security.

From the reports herewith communicated of the Secretaries of War and of the Navy, with the subsidiary documents annexed to them, will be discovered the present condition and administration of our military establishment on the land and on the sea. The organization of the Army having undergone no change since its reduction to the present peace establishment in 1821, it remains only to observe that it is yet found adequate to all the purposes for which a permanent armed force in time of peace can be needed or useful. It may be proper to add that, from a difference of opinion between the late President of the United States and the Senate with regard to the construction of the act of Congress of 2d March, 1821, to reduce and fix the military peace establishment of the United States, it remains hitherto so far without execution that no colonel has been appointed to command one of the regiments of artillery. A supplementary or explanatory act of the Legislature appears to be the only expedient practicable for removing the difficulty of this appointment.

In a period of profound peace the conduct of the mere military establishment forms but a very inconsiderable portion of the duties devolving upon the administration of the Department of War. It will be seen by the returns from the subordinate departments of the Army that every branch of the service is marked with order, regularity, and discipline; that from the commanding general through all the gradations of superintendence the officers feel themselves to have been citizens before they were soldiers, and that the glory of a republican army must consist in the spirit of freedom, by which it is animated, and of patriotism, by which it is impelled. It may be confidently stated that the moral character of the Army is in a state of continual improvement, and that all the arrangements for the disposal of its parts have a constant reference to that end.

But to the War Department are attributed other duties, having, indeed, relation to a future possible condition of war, but being purely defensive, and in their tendency contributing rather to the security and permanency of peace—the erection of the fortifications provided for by Congress, and adapted to secure our shores from hostile invasion; the distribution of the fund of public gratitude and justice to the pensioners of the Revolutionary war; the maintenance of our relations of peace and of protection with the Indian tribes, and the internal improvements and surveys for the location of roads and canals, which during the last three sessions of Congress have engaged so much of their attention, and may engross so large a share of their future benefactions to our country.

By the act of the 30th of April, 1824, suggested and approved by my predecessor, the sum of $30,000 was appropriated for the purpose of causing to be made the necessary surveys, plans, and estimates of the routes of such roads and canals as the President of the United States might deem of national importance in a commercial or military point of view, or necessary for the transportation of the public mail. The surveys, plans, and estimates for each, when completed, will be laid before Congress.

In execution of this act a board of engineers was immediately instituted, and have been since most assiduously and constantly occupied in carrying it into effect. The first object to which their labors were directed, by order of the late President, was the examination of the country between the tide waters of the Potomac, the Ohio, and Lake Erie, to ascertain the practicability of a communication between them, to designate the most suitable route for the same, and to form plans and estimates in detail of the expense of execution.

On the 3d of February, 1825, they made their first report, which was immediately communicated to Congress, and in which they declared that having maturely considered the circumstances observed by them personally, and carefully studied the results of such of the preliminary surveys as were then completed, they were decidedly of opinion that the communication was practicable.

At the last session of Congress, before the board of engineers were enabled to make up their second report containing a general plan and preparatory estimate for the work, the Committee of the House of Representatives upon Roads and Canals closed the session with a report expressing the hope that the plan and estimate of the board of engineers might at this time be prepared, and that the subject be referred to the early and favorable consideration of Congress at their present session. That expected report of the board of engineers is prepared, and will forthwith be laid before you.

Under the resolution of Congress authorizing the Secretary of War to have prepared a complete system of cavalry tactics, and a system of exercise and instruction of field artillery, for the use of the militia of the United States, to be reported to Congress at the present session, a board of distinguished officers of the Army and of the militia has been convened, whose report will be submitted to you with that of the Secretary of War. The occasion was thought favorable for consulting the same board, aided by the results of a correspondence with the governors of the several States and Territories and other citizens of intelligence and experience, upon the acknowledged defective condition of our militia system, and of the improvements of which it is susceptible. The report of the board upon this subject is also submitted for your consideration.

In the estimates of appropriations for the ensuing year upward of $5,000,000 will be submitted for the expenditures to be paid from the Department of War. Less than two-fifths of this will be applicable to the maintenance and support of the Army. A million and a half, in the form of pensions, goes as a scarcely adequate tribute to the services and sacrifices of a former age, and a more than equal sum invested in fortifications, or for the preparations of internal improvement, provides for the quiet, the comfort, and happier existence of the ages to come. The appropriations to indemnify those unfortunate remnants of another race unable alike to share in the enjoyments and to exist in the presence of civilization, though swelling in recent years to a magnitude burdensome to the Treasury, are generally not without their equivalents in profitable value, or serve to discharge the Union from engagements more burdensome than debt.

In like manner the estimate of appropriations for the Navy Department will present an aggregate sum of upward of $3,000,000. About one-half of these, however, covers the current expenditures of the Navy in actual service, and one-half constitutes a fund of national property, the pledge of our future glory and defense. It was scarcely one short year after the close of the late war, and when the burden of its expenses and charges was weighing heaviest upon the country, that Congress, by the act of 29th April, 1816, appropriated $1,000,000 annually for eight years to the *gradual increase of the Navy*. At a subsequent period this annual appropriation was reduced to half a million for six years, of which the present year is the last. A yet more recent appropriation the last two years, for building ten sloops of war, has nearly restored the original appropriation of 1816 of a million for every year. The result is before us all. We have twelve line-of-battle ships, twenty frigates, and sloops of war in proportion, which, with a few months of preparation, may present a line of floating fortifications along the whole range of our coast ready to meet any invader who might attempt to set foot upon our shores. Combining with a system of fortifications upon the shores themselves, commenced about the same time under the auspices of my immediate predecessor, and hitherto systematically pursued, it has placed in our possession the most effective sinews of war and has left us at once an example and a lesson from which our own duties may be inferred. The gradual increase of the Navy was the principle of which the act of 29th April, 1816, was the first development. It was the introduction of a system to act upon the character and history of our country for an indefinite series of ages. It was a declaration of that Congress to their constituents and to posterity that it was the destiny and the duty of these confederated States to become in regular process of time and by no petty advances a great naval power. That which they proposed to accomplish in eight years is rather to be considered as the measure of their means than the limitation of their design. They looked forward for a term of years sufficient for the accomplishment of a definite portion of their purpose, and they left to their successors to fill up the canvas of which they had traced the large and prophetic outline. The ships of the line and frigates which they had in contemplation will be shortly completed. The time which they had allotted for the accomplishment of the work has more than elapsed. It remains for your consideration how their successors may contribute their portion of toil and of treasure for the benefit of the succeeding age in the gradual increase of our Navy. There is perhaps no part of the exercise of the constitutional powers of the Federal Government which has given more general satisfaction to the people of the Union than this. The system has not been thus vigorously introduced and hitherto sustained to be now departed from or abandoned. In continuing to provide for the gradual increase of the Navy it may not be necessary or expedient to add for the present any more to the number of our ships; but should you deem it advisable to continue the yearly appropriation of half a million to the same objects, it may be profitably expended in providing a supply of timber to be seasoned and other materials for future use in the construction of docks or in laying the foundations of a school for naval education, as to the wisdom of Congress either of those measures may appear to claim the preference.

Of the small portions of this Navy engaged in actual service during the peace, squadrons have continued to be maintained in the Pacific Ocean, in the West India seas, and in the Mediterranean, to which has been added a small armament to cruise on the eastern coast of South America. In all they have afforded protection to our commerce, have contributed to make our country advantageously known to foreign nations, have honorably employed multitudes of our seamen in the service of their country, and have inured numbers of youths of the rising generation to lives of manly hardihood and of nautical experience and skill. The piracies with which the West India seas were for several years infested have been totally suppressed, but in the Mediterranean they have increased in a manner afflictive to other nations, and but for the continued presence of our squadron would probably have been distressing to our own. The war which has unfortunately broken out between the Republic of Buenos Ayres and the Brazilian Government has given rise to very great irregularities among the naval officers of the latter, by whom principles in relation to blockades and to neutral navigation have been brought forward to which we can not subscribe and which our own commanders have found it necessary to resist. From the friendly disposition toward the United States constantly manifested by the Emperor of Brazil, and the very useful and friendly commercial intercourse between the United States and his dominions, we have reason to believe that the just reparation demanded for the injuries sustained by several of our citizens from some of his officers will not be withheld. Abstracts from the recent dispatches of the commanders of our several squadrons are communicated with the report of the Secretary of the Navy to Congress.

A report from the Postmaster-General is likewise communicated, presenting in a highly satisfactory manner the result of a vigorous, efficient, and economical administration of that Department. The revenue of the office, even of the year including the latter half of 1824 and the first half of 1825, had exceeded its expenditures by a sum of more than $45,000. That of the succeeding year has been still more productive. The increase of the receipts in the year preceding the 1st of July last over that of the year before exceeds $136,000, and the excess of the receipts over the expenditures of the year has swollen from $45,000 to nearly $80,000. During the same period contracts for additional transportation of the mail in stages for about 260,000 miles have been made, and for 70,000 miles annually on horseback. Seven hundred and fourteen new post-offices have been established within the year, and the increase of revenue within the last three years, as well as the augmentation of the transportation by mail, is more than equal to the whole amount of receipts and of mail conveyance at the commencement of the present century, when the seat of the General Government was removed to this place. When we reflect that the objects effected by the transportation of the mail are among the choicest comforts and enjoyments of social life, it is pleasing to observe that the dissemination of them to every corner of our country has outstripped in their increase even the rapid march of our population.

By the treaties with France and Spain, respectively ceding Louisiana and the Floridas to the United States, provision was made for the security of land titles derived from the Governments of those nations. Some progress has been made under the authority of various acts of Congress in the ascertainment and establishment of those titles, but claims to a very large extent remain unadjusted. The public faith no less than the just rights of individuals and the interest of the community itself appears to require further provision for the speedy settlement of those claims, which I therefore recommend to the care and attention of the Legislature.

In conformity with the provisions of the act of 20th May last, to provide for erecting a penitentiary in the District of Columbia, and for other purposes, three commissioners were appointed to select a site for the erection of a penitentiary for the District, and also a site in the county of Alexandria for a county jail, both of which objects have been effected. The building of the penitentiary has been commenced, and is in such a degree of forwardness as to promise that it will be completed before the meeting of the next Congress. This consideration points to the expediency of maturing at the present session a system for the regulation and government of the penitentiary, and of defining the class of offenses which shall be punishable by confinement in this edifice.

In closing this communication I trust that it will not be deemed inappropriate to the occasion and purposes upon which we are here assembled to indulge a momentary retrospect, combining in a single glance the period of our origin as a national confederation with that of our present existence, at the precise interval of half a century from each other. Since your last meeting at this place the fiftieth anniversary of the day when our independence was declared has been celebrated throughout our land, and on that day, while every heart was bounding with joy and every voice was tuned to gratulation, amid the blessings of freedom and independence which the sires of a former age had handed down to their children, two of the principal actors in that solemn scene—the hand that penned the ever-memorable Declaration and the voice that sustained it in debate—were by one summons, at the distance of 700 miles from each other, called before the Judge of All to account for their deeds done upon earth. They departed cheered by the benedictions of their country, to whom they left the inheritance of their fame and the memory of their bright example. If we turn our thoughts to the condition of their country, in the contrast of the first and last day of that half century, how resplendent and sublime is the transition from gloom to glory! Then, glancing through the same lapse of time, in the condition of the individuals we see the first day marked with the fullness and vigor of youth, in the pledge of their lives, their fortunes, and their sacred honor to the cause of freedom and of mankind; and on the last, extended on the bed of death, with but sense and sensibility left to breathe a last aspiration to Heaven of blessing upon their country, may we not humbly hope that to them too it was a pledge of transition from gloom to glory, and that while their mortal vestments were sinking into the clod of the valley their emancipated spirits were ascending to the bosom of their God!

JOHN QUINCY ADAMS.

SPECIAL MESSAGES.

WASHINGTON, *December 7, 1826.*

To the Senate and House of Representatives of the United States:

I now transmit a report from the Secretary of War, with that of the Board of Engineers of Internal Improvement, concerning the proposed Chesapeake and Ohio Canal.

JOHN QUINCY ADAMS.

WASHINGTON, *December 8, 1826.*

To the House of Representatives of the United States:

I transmit to the House of Representatives a report from the Secretary of War, with sundry documents, containing the information requested by a resolution of the House of the 8th of May last, relating to the lead mines belonging to the United States in Illinois and Missouri.

JOHN QUINCY ADAMS.

WASHINGTON, *December 8, 1826.*

To the House of Representatives of the United States:

I transmit to the House of Representatives a report from the Secretary of War, with several documents, containing information required by a resolution of the House of the 20th of May last, respecting certain proposed donations of land by Indian tribes to any agent or commissioner of the United States.

JOHN QUINCY ADAMS.

WASHINGTON, *December 12, 1826.*

To the Senate of the United States:

I transmit herewith to the Senate, for their advice with regard to their ratification, the following treaties with Indian tribes:

1. A treaty made and concluded at the Fond du Lac of Lake Superior, between Lewis Cass and Thomas L. McKenney, commissioners on the part of the United States, and the Chippewa tribe of Indians, on the 5th of August, 1826.

2. A treaty made and concluded near the mouth of the Mississinewa, upon the Wabash, in the State of Indiana, between Lewis Cass, James B. Ray, and John Tipton, commissioners on the part of the United States, and the chiefs and warriors of the Potawatamie tribe of Indians, on the 16th of October, 1826.

3. A treaty made and concluded near the mouth of the Mississinewa, upon the Wabash, in the State of Indiana, between Lewis Cass, James B.

Ray, and John Tipton, commissioners on the part of the United States, and the chiefs and warriors of the Miami tribe of Indians, on the 23d of October, 1826.

JOHN QUINCY ADAMS.

WASHINGTON, *December 18, 1826.*

To the Senate and House of Representatives of the United States:

I transmit to Congress extracts of a letter, received since the commencement of their session, from the minister of the United States at London, having relation to the late discussions with the Government of Great Britain concerning the trade between the United States and the British colonies in America.

JOHN QUINCY ADAMS.

WASHINGTON, *December 20, 1826.*

To the Senate of the United States:

In the message to both Houses of Congress at the commencement of their present session it was intimated that the commission for liquidating the claims of our fellow-citizens to indemnity for slaves and other property carried away after the close of the late war with Great Britain in contravention to the first article of the treaty of Ghent had been sitting in this city with doubtful prospects of success, but that propositions had recently passed between the two Governments which it was hoped would lead to a satisfactory adjustment of that controversy.

I now transmit to the Senate, for their constitutional consideration and advice, a convention signed at London by the plenipotentiaries of the two Governments on the 13th of the last month, relating to this object. A copy of the convention is at the same time sent, together with a copy of the instructions under which it was negotiated and the correspondence relating to it. To avoid all delay these documents are now transmitted, consisting chiefly of original papers, the return of which is requested.

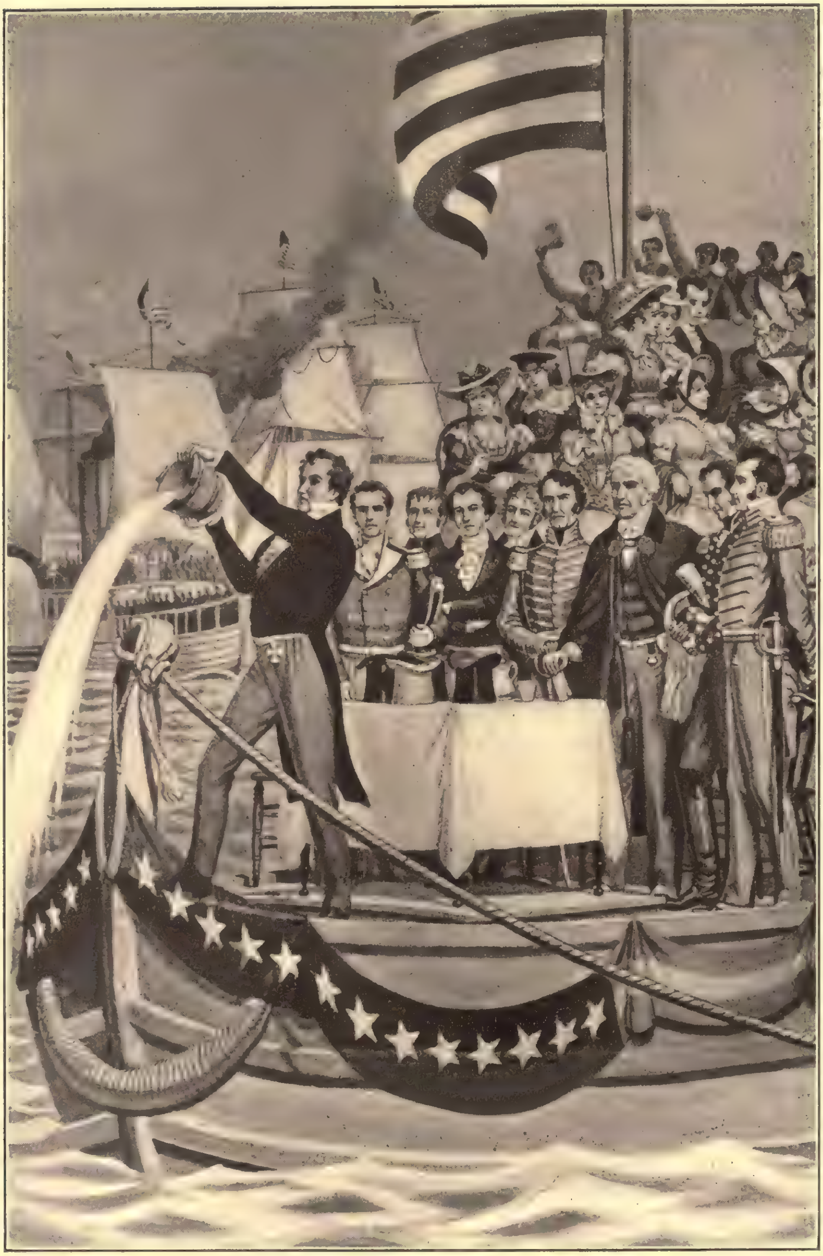
JOHN QUINCY ADAMS.

WASHINGTON, *December 22, 1826.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 12th instant, requesting information of the measures taken to carry into effect the act of Congress of 3d March, 1825, directing a road to be made from Little Rock to Cantonment Gibson, in the Territory of Arkansas, I transmit a report from the Secretary of War, with a letter from the Quartermaster-General, containing the information desired by the resolution.

JOHN QUINCY ADAMS.



OPENING OF THE ERIE CANAL

CANAL TRANSPORTATION.

Schemes of connecting natural waterways by canals were rife as early as 1761 and in 1785 Washington was promoting a project for connecting the Potomac by canal with trans-Allegheny streams. Later he planned routes between the Hudson and Lakes Champlain and Ontario. None of these proposed canals was completed

The construction of the Erie Canal was due to the never-ceasing agitation of Governor Clinton, of New York, under whose administration the first excavation was made on Independence Day, 1817. The Canal was formally opened in 1825 by Governor Clinton, who, as shown in the preceding picture, poured a keg of water taken from Lake Erie into the Atlantic Ocean, with which water-communication with the Great Lakes was established by the opening of the Canal. The original cost of the Canal was $7,602,000, but up to 1912 the maintenance of the Canal had cost the state of New York more than $50,000,000. Recently provision has been made for enlarging the Canal to a depth of twelve feet, and to improve it in other ways so that it will accommodate barges of 2,500 tons.

Further details are given in the article "Canals" in the index, and by reference to the pages therein cited the reader may familiarize himself with presidential utterances regarding this important branch of internal improvement.

WASHINGTON, *December 22, 1826.*

To the House of Representatives of the United States:

I communicate to the House of Representatives a report from the Secretary of State, with a copy of the three articles* (marked A) requested by the resolution of the House of the 19th instant. The third of those articles relating to a subject upon which the negotiation between the two Governments is yet open, the communication of all the other documents relating to it is reserved to a future period, when it may be closed.

JOHN QUINCY ADAMS.

To the House of Representatives of the United States:

I transmit to the House of Representatives a report from the Secretary of State, with sundry documents, containing the information requested by two resolutions of the House of the 15th instant, relating to the proceedings of the congress of ministers which assembled last summer at Panama.

The occasion is taken to communicate at the same time two other dispatches, from the minister of the United States to the Mexican Confederation, one of which should have been communicated at the last session of Congress but that it was then accidentally mislaid, and the other having relation to the same subject.

JOHN QUINCY ADAMS.

DECEMBER 26, 1826.

WASHINGTON, *January 10, 1827.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 6th instant, I transmit herewith a report from the Secretary of State, together with copies of the correspondence with the Government of the Netherlands, relating to discriminating duties.

JOHN QUINCY ADAMS.

WASHINGTON, *January 10, 1827.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 20th of May last, requesting a detailed statement of the expenditures for the construction and repair of the Cumberland road, I now transmit a report from the Secretary of the Treasury, with the statement requested by the resolution.

JOHN QUINCY ADAMS.

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* Referred to in the protocol of the third conference of the American and British plenipotentiaries on February 5, 1824, relating to trade with Great Britain.

WASHINGTON, *January 10, 1827.*

To the Senate and House of Representatives of the United States:

I transmit to both Houses of Congress a report from the Secretary of the Navy, together with that of the engineer by whom, conformably to a joint resolution of the two Houses of the 22d May last, an examination and survey has been made of a site for a dry dock at the navy-yard at Portsmouth, N. H.; Charlestown, Mass.; Brooklyn, N. Y., and Gosport, Va.

JOHN QUINCY ADAMS.

WASHINGTON, *January 15, 1827.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 20th of May last, I transmit herewith a report from the Secretary of State, touching the impressment of seamen from on board American vessels on the high seas or elsewhere by the commanders of British or other foreign vessels or ships of war since 18th of February, 1815, together with such correspondence on the subject as comes within the purview of the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *January 15, 1827.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 21st of last month, I now transmit a letter from the Secretary of War, with a report from the Chief Engineer and a statement of the Third Auditor, shewing the amount disbursed of the appropriation made by the act of 24th May, 1824, to improve the navigation of the Ohio and Mississippi rivers, and the state and progress of the work contemplated by the appropriation.

JOHN QUINCY ADAMS.

WASHINGTON, *January 15, 1827.*

To the Senate and House of Representatives of the United States:

I communicate to Congress a letter from the Secretary of War, together with a report of the Chief Engineer, and certain acts of the legislature of the State of New York proposing to the Government of the United States the purchase of the fortifications erected at the expense of the State on Staten Island, with the ordnance and other apparatus belonging to or connected with the same. These papers were prepared at the close of the last session of Congress, at too late a period to be then acted upon.

JOHN QUINCY ADAMS.

WASHINGTON, *January 16, 1827.*

To the Senate and House of Representatives of the United States:

I communicate to both Houses of Congress copies of a convention between the United States and Great Britain, signed on the 13th of November last at London by the respective plenipotentiaries of the two Governments, for the final settlement and liquidation of certain claims of indemnity of citizens of the United States which had arisen under the first article of the treaty of Ghent. It having been stipulated by this convention that the exchange of the ratifications of the same should be made at London, the usual proclamation of it here can only be issued when that event shall have taken place, the notice of which can scarcely be expected before the close of the present session of Congress. But it has been duly ratified on the part of the United States, and by the report of the Secretary of State and the accompanying certificate herewith also communicated it will be seen that the first half of the stipulated payment has been made by the minister of His Britannic Majesty residing here, and has been deposited in the office of the Bank of the United States at this place to await the disposal of Congress.

I recommend to their consideration the expediency of such legislative measures as they may deem proper for the distribution of the sum already paid, and of that hereafter to be received, among the claimants who may be found entitled to the indemnity.

JOHN QUINCY ADAMS.

WASHINGTON, *January 17, 1827.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 10th of May last, I transmit a report from the Secretary of the Treasury, with a letter from the Director of the Mint, shewing the result of the assay of foreign coins and the information otherwise relating thereto desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *January 29, 1827.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 23d instant, I transmit herewith a report* from the Secretary of State, with the accompanying documents.

JOHN QUINCY ADAMS.

WASHINGTON, *January 29, 1827.*

To the Senate of the United States:

The report from the Commissioner of the General Land Office and the accompanying documents herewith transmitted are laid before the

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* Concerning the assembly of American ministers at Tacubaya, Mexico.

Senate in compliance with their resolution of the 4th of April last, relating to the public lands of the United States in the States of Missouri and Illinois which are unfit for cultivation.

JOHN QUINCY ADAMS.

WASHINGTON, *February 2, 1827.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 25th ultimo, relative to the execution of the treaty of the 18th of October, 1820, of Doaks Stand with the Choctaw tribe of Indians, I transmit a report from the Secretary of War, with a statement from the Office of Indian Affairs, comprising so far as it is possessed the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *February 3, 1827.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the United States of the 9th ultimo, relating to the appointments of chargés d'affaires and to the commissions and salaries of the ministers and secretary to the mission to Panama, I transmit herewith a report from the Secretary of State, with accompanying documents.

JOHN QUINCY ADAMS.

WASHINGTON, *February 5, 1827.*

To the House of Representatives of the United States:

The report from the Secretary of War and accompanying documents herewith transmitted have been prepared in compliance with a resolution of the House of Representatives of the 20th of May last, requesting a statement of expenditure and other particulars relating to the procurement and properties of the patent rifle.

JOHN QUINCY ADAMS.

WASHINGTON, *February 5, 1827.*

To the Senate and House of Representatives of the United States:

I submit to the consideration of Congress a letter from the agent of the United States with the Creek Indians, who invoke the protection of the Government of the United States in defense of the rights and territory secured to that nation by the treaty concluded at Washington, and ratified on the part of the United States on the 22d of April last.

The complaint set forth in this letter that surveyors from Georgia have been employed in surveying lands within the Indian Territory, as secured by that treaty, is authenticated by the information inofficially received from other quarters, and there is reason to believe that one or more of the surveyors have been arrested in their progress by the Indians. Their forbearance, and reliance upon the good faith of the United States will, it is hoped, avert scenes of violence and blood which there is otherwise too much cause to apprehend will result from these proceedings.

By the fifth section of the act of Congress of the 30th of March, 1802, to regulate trade and intercourse with the Indian tribes and to preserve peace on the frontiers, it is provided that if any citizen of or other person resident in the United States shall make a settlement on any lands belonging or secured or granted by treaty with the United States to any Indian tribe, or shall survey, or attempt to survey, such lands, or designate any of the boundaries by marking trees or otherwise, such offender shall forfeit a sum not exceeding $1,000 and suffer imprisonment not exceeding twelve months.

By the sixteenth and seventeenth sections of the same statute two distinct processes are prescribed, by either or both of which the above enactment may be carried into execution. By the first it is declared to be lawful for the military force of the United States to apprehend every person found in the Indian country over and beyond the boundary line between the United States and the Indian tribes in violation of any of the provisions or regulations of the act, and immediately to convey them, in the nearest convenient and safe route, to the civil authority of the United States in some of the three next adjoining States or districts, to be proceeded against in due course of law.

By the second it is directed that if any person charged with the violation of any of the provisions or regulations of the act shall be found within any of the United States or either of their territorial districts such offender may be there apprehended and brought to trial in the same manner as if such crime or offense had been committed within such State or district; and that it shall be the duty of the military force of the United States, when called upon by the civil magistrate or any proper officer or other person duly authorized for that purpose and having a lawful warrant, to aid and assist such magistrate, officer, or other person so authorized in arresting such offender and committing him to safe custody for trial according to law.

The first of these processes is adapted to the arrest of the trespasser upon Indian territories on the spot and in the act of committing the offense; but as it applies the action of the Government of the United States to places where the civil process of the law has no authorized course, it is committed entirely to the functions of the military force to arrest the person of the offender, and after bringing him within the reach of the jurisdiction of the courts there to deliver him into custody for trial. The second makes the violator of the law amenable only after his offense has been consummated, and when he has returned within the civil jurisdiction of the Union. This process, in the first instance, is merely of a civil character, but may in like manner be enforced by calling in, if necessary, the aid of the military force.

Entertaining no doubt that in the present case the resort to either of these modes of process, or to both, was within the discretion of the Executive authority, and penetrated with the duty of maintaining the rights of the Indians as secured both by the treaty and the law, I concluded, after full deliberation, to have recourse on this occasion, in the first instance, only to the civil process. Instructions have accordingly been given by the Secretary of War to the attorney and marshal of the United States in the district of Georgia to commence prosecutions against the surveyors complained of as having violated the law, while orders have at the same time been forwarded to the agent of the United States at once to assure the Indians that their rights founded upon the treaty and the law are recognized by this Government and will be faithfully protected, and earnestly to exhort them, by the forbearance of every act of hostility on their part, to preserve unimpaired that right to protection secured to them by the sacred pledge of the good faith of this nation. Copies of these instructions and orders are herewith transmitted to Congress.

In abstaining at this stage of the proceedings from the application of any military force I have been governed by considerations which will, I trust, meet the concurrence of the Legislature. Among them one of paramount importance has been that these surveys have been attempted, and partly effected, under color of legal authority from the State of Georgia; that the surveyors are, therefore, not to be viewed in the light of individual and solitary transgressors, but as the agents of a sovereign State, acting in obedience to authority which they believed to be binding upon them. Intimations had been given that should they meet with interruption they would at all hazards be sustained by the military force of the State, in which event, if the military force of the Union should have been employed to enforce its violated law, a conflict *must* have ensued, which would itself have inflicted a wound upon the Union and have presented the aspect of one of these confederated States at war with the rest. Anxious, above all, to avert this state of things, yet at the same time impressed with the deepest conviction of my own duty to take care that the laws shall be executed and the faith of the nation preserved, I have used of the means intrusted to the Executive for that purpose only those which without resorting to military force may vindicate the sanctity of the law by the ordinary agency of the judicial tribunals.

It ought not, however, to be disguised that the act of the legislature of Georgia, under the construction given to it by the governor of that State, and the surveys made or attempted by his authority beyond the boundary secured by the treaty of Washington of April last to the Creek Indians, are in direct violation of the supreme law of this land, set forth in a treaty which has received all the sanctions provided by the Constitution which we have been sworn to support and maintain.

Happily distributed as the sovereign powers of the people of this Union have been between their General and State Governments, their history has already too often presented collisions between these divided authorities with regard to the extent of their respective powers. No instance, however, has hitherto occurred in which this collision has been urged into a conflict of actual force. No other case is known to have happened in which the application of military force by the Government of the Union has been prescribed for the enforcement of a law the violation of which has within any single State been prescribed by a legislative act of the State. In the present instance it is my duty to say that if the legislative and executive authorities of the State of Georgia should persevere in acts of encroachment upon the territories secured by a solemn treaty to the Indians, and the laws of the Union remain unaltered, a superadded obligation even higher than that of human authority will compel the Executive of the United States to enforce the laws and fulfill the duties of the nation by all the force committed for that purpose to his charge. That the arm of military force will be resorted to only in the event of the failure of all other expedients provided by the laws, a pledge has been given by the forbearance to employ it at this time. It is submitted to the wisdom of Congress to determine whether any further act of legislation may be necessary or expedient to meet the emergency which these transactions may produce.

JOHN QUINCY ADAMS.

WASHINGTON, *February 8, 1827*.

To the Senate of the United States:

I transmit to the Senate, for their advice with regard to its ratification, a treaty between the United States and the Mexican Confederation, signed by the plenipotentiaries of the respective Governments on the 10th of July last. It will be seen by its terms that if ratified by both parties the ratifications are to be exchanged at this city on or before the 10th day of next month. The ratification on the part of the Government of Mexico has not yet been received, though it has probably before this been effected. To avoid all unnecessary delay the treaty is now communicated to the Senate, that it may receive all the deliberation which, in their wisdom, it may require, without pressing upon their time at a near approach to the close of their session. Should they advise and consent to its ratification, that measure will still be withheld until the ratification by the Mexican Government shall have been ascertained. A copy of the treaty is likewise transmitted, together with the documents appertaining to the negotiation.

JOHN QUINCY ADAMS.

WASHINGTON, *February 8, 1827*.

To the Senate and House of Representatives of the United States:

I communicate to Congress copies of a letter from the governor of the State of Georgia, received since my message of the 5th instant, and of inclosures received with it, further confirmative of the facts stated in that message.*

JOHN QUINCY ADAMS.

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* Relating to the conflicting claims of Georgia and the Creek Indians to lands in Georgia.

WASHINGTON, *February 16, 1827.*

To the Senate of the United States:

I transmit to the Senate a report from the Secretary of the Treasury, with statements prepared at the Register's and General Land Office, in compliance with a resolution of the Senate of the 10th of May last, in relation to the purchase and sales of the public lands since the declaration of independence.

JOHN QUINCY ADAMS.

WASHINGTON, *February 19, 1827.*

To the Senate and House of Representatives of the United States:

I transmit to both Houses of Congress copies of the following treaties, which have been ratified by and with the consent of the Senate:

1. A treaty with the Chippewa tribe of Indians, signed at the Fond du Lac of Lake Superior on the 5th of August, 1826.

2. A treaty with the Potawatamie tribe of Indians, signed on the 16th of October, 1826, near the mouth of the Mississinawa, upon the Wabash, in the State of Indiana.

3. A treaty with the Miami tribe of Indians, signed at the same place on the 23d of October, 1826.

JOHN QUINCY ADAMS.

WASHINGTON, *February 24, 1827.*

To the Senate of the United States:

I transmit to the Senate, for their consideration, a conveyance by treaty from the Seneca tribe of Indians to Robert Troup, Thomas L. Ogden, and Benjamin W. Rogers, in the presence of Oliver Forward, commissioner of the United States for holding the said treaty, and of Nathaniel Gorham, superintendent in behalf of the State of Massachusetts. A letter from the grantees of this conveyance and a report of the Superintendent of Indian Affairs to the Secretary of War, relating to this instrument, are also transmitted; and with regard to the approval or ratification of the treaty itself, it is submitted to the Senate for their advice and consent.

JOHN QUINCY ADAMS.

WASHINGTON, *February 28, 1827.*

To the House of Representatives of the United States:

I transmit to the House of Representatives a report from the Secretary of War, with sundry documents, containing statements requested by a resolution of the House of Representatives of the 9th of January, relating to the Artillery School of Practice at Fortress Monroe.

JOHN QUINCY ADAMS.

WASHINGTON, *March 2, 1827.*

To the Senate of the United States:

I transmit to the Senate a report from the Secretary of the Treasury, with sundry documents, containing the information requested by a resolution of the Senate of the 20th of April last, relating to the security taken of the late surveyor-general of Illinois, Missouri, and Arkansas, and of the late receiver of public moneys in the western district of Missouri, and to the sums for which they were respectively defaulters; also the sums due by each of the late directors of the Bank of Missouri to the United States, and to the measures taken for obtaining or enforcing payment of the same.

JOHN QUINCY ADAMS.

WASHINGTON, *March 2, 1827.*

To the Senate and House of Representatives of the United States:

I transmit to both Houses of Congress copies of communications received yesterday by the Secretary of War from the governor of Georgia and from Lieutenant Vinton.*

JOHN QUINCY ADAMS.

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas by the sixth section of an act of Congress entitled "An act to regulate the commercial intercourse between the United States and certain British colonial ports," which was approved on the 1st day of March, A. D. 1823, it is enacted "that this act, unless repealed, altered, or amended by Congress, shall be and continue in force so long as the above-enumerated British colonial ports shall be open to the admission of the vessels of the United States, conformably to the provisions of the British act of Parliament of the 24th of June last, being the forty-fourth chapter of the acts of the third year of George IV; but if at any time the trade and intercourse between the United States and all or any of the above-enumerated British colonial ports authorized by the said act of Parliament should be prohibited by a British order in council or by act of Parliament, then, from the day of the date of such order in council or act of Parliament, or from the time that the same shall commence to be in force, proclamation to that effect having been made by the President of the United States, each and every provison of this act, so far as the same shall apply to the intercourse between the United States and the above-enumerated British colonial ports in British vessels, shall cease to operate in their favor, and each and every provision of the 'Act concerning navigation,' approved on the 18th of April, 1818, and of the act supplementary thereto, approved on the 15th of May, 1820, shall revive and be in full force;" and

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* Relating to the conflicting claims of Georgia and the Creek Indians to lands in Georgia.

Whereas by an act of the British Parliament which passed on the 5th day of July, A. D. 1825, entitled "An act to repeal the several laws relating to the customs," the said act of Parliament of the 24th of June, 1822, was repealed; and by another act of the British Parliament, passed on the 5th day of July, A. D. 1825, in the sixth year of the reign of George IV, entitled "An act to regulate the trade of the British possessions abroad;" and by an order of His Britannic Majesty in council, bearing date the 27th of July, 1826, the trade and intercourse authorized by the aforesaid act of Parliament of the 24th of June, 1822, between the United States and the greater part of the said British colonial ports therein enumerated, have been prohibited upon and from the 1st day of December last past, and the contingency has thereby arisen on which the President of the United States was authorized by the sixth section aforesaid of the act of Congress of the 1st March, 1823, to issue a proclamation to the effect therein mentioned:

Now, therefore, I, John Quincy Adams, President of the United States of America, do hereby declare and proclaim that the trade and intercourse authorized by the said act of Parliament of the 24th of June, 1822, between the United States and the British colonial ports enumerated in the aforesaid act of Congress of the 1st of March, 1823, have been and are, upon and from the 1st day of December, 1826, by the aforesaid two several acts of Parliament of the 5th of July, 1825, and by the aforesaid British order in council of the 27th day of July, 1826, prohibited.

Given under my hand, at the city of Washington, this 17th day of March, A. D. 1827, and the fifty-first year of the Independence of the United States.

JOHN QUINCY ADAMS.

By the President:

H. CLAY,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas by an act of the Congress of the United States of the 7th of January, 1824, entitled "An act concerning discriminating duties of tonnage and impost," it is provided that upon satisfactory evidence being given to the President of the United States by the government of any foreign nation that no discriminating duties of tonnage or impost are imposed or levied within the ports of the said nation upon vessels wholly belonging to citizens of the United States or upon merchandise the produce or manufacture thereof imported in the same, the President is thereby authorized to issue his proclamation declaring that the foreign discriminating duties of tonnage and impost within the United States are and shall be suspended and discontinued so far as respects the vessels of the said nation and the merchandise of its produce or manufacture imported into the United States in the same, the said suspension to take effect from the time of such notification being given to the President of the United States and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and merchandise as aforesaid therein laden shall be continued, and no longer; and

Whereas satisfactory evidence was given to the President of the United States on the 30th day of May last by Count Lucchesi, consul-general of His Holiness the Pope, that all foreign and discriminating duties of tonnage and impost within the dominions of His Holiness, so far as respected the vessels of the United States and the merchandise of their produce or manufacture imported in the same, were suspended and discontinued:

Now, therefore, I, John Quincy Adams, President of the United States, conformably to the fourth section of the act of Congress aforesaid, do hereby proclaim and declare that the foreign discriminating duties of tonnage and impost within the United States are and shall be suspended and discontinued so far as respects the vessels of the subjects of His Holiness the Pope and the merchandise of the produce or manufacture of his dominions imported into the United States in the same, the said suspension to take effect from the 30th of May aforesaid and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and merchandise as aforesaid therein laden shall be continued, and no longer.

Given under my hand, at the city of Washington, this 7th day of June, A. D. 1827, and of the Independence of the United States the fifty-first.

JOHN QUINCY ADAMS.

By the President:

H. CLAY,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas Willis Anderson, of the County of Alexandria, in the District of Columbia, is charged with having recently murdered Gerrard Arnold, late of the county; and

Whereas it is represented to me that the said Willis Anderson has absconded and secretes himself, so that he can not be apprehended and brought to justice for the offense of which he is so charged; and

Whereas the apprehension and trial of the said Willis Anderson is an example due to justice and humanity, and would be every way salutary in its influence:

Now, therefore, I have thought fit to issue this my proclamation, hereby exhorting the citizens of the United States, and particularly those of this District, and requiring all officers, according to their respective stations, to use their utmost endeavors to apprehend and bring the said Willis Anderson to justice for the atrocious crime with which he stands charged as aforesaid; and I do moreover offer a reward of $250 for the apprehension of the said Willis Anderson and his delivery to an officer or officers of justice in the county aforesaid, so that he may be brought to trial for the murder aforesaid and be otherwise dealt with according to law.

In testimony whereof I have hereunto signed my name and caused the seal of the United States to be affixed to these presents.

[SEAL.] Done at Washington, this 10th day of September, A. D. 1827, and of the Independence of the United States the fifty-second.

J. Q. ADAMS.

By the President:

H. CLAY,
Secretary of State.

THIRD ANNUAL MESSAGE.

WASHINGTON, *December 4, 1827.*

Fellow-Citizens of the Senate and of the House of Representatives:

A revolution of the seasons has nearly been completed since the representatives of the people and States of this Union were last assembled at this place to deliberate and to act upon the common important interests of their constituents. In that interval the never-slumbering eye of a wise and beneficent Providence has continued its guardian care over the welfare of our beloved country; the blessing of health has continued generally to prevail throughout the land; the blessing of peace with our brethren of the human race has been enjoyed without interruption; internal quiet has left our fellow-citizens in the full enjoyment of all their rights and in the free exercise of all their faculties, to pursue the impulse of their nature and the obligation of their duty in the improvement of their own condition; the productions of the soil, the exchanges of commerce, the vivifying labors of human industry, have combined to mingle in our cup a portion of enjoyment as large and liberal as the indulgence of Heaven has perhaps ever granted to the imperfect state of man upon earth; and as the purest of human felicity consists in its participation with others, it is no small addition to the sum of our national happiness at this time that peace and prosperity prevail to a degree seldom experienced over the whole habitable globe, presenting, though as yet with painful exceptions, a foretaste of that blessed period of promise when the lion shall lie down with the lamb and wars shall be no more. To preserve, to improve, and to perpetuate the sources and to direct in their most effective channels the streams which contribute to the public weal is the purpose for which Government was instituted. Objects of deep importance to the welfare of the Union are constantly recurring to demand the attention of the Federal Legislature, and they call with accumulated interest at the first meeting of the two Houses after their periodical renovation. To present to their consideration from time to time subjects in which the interests of the nation are most deeply involved, and for the regulation of which the legislative will is alone competent, is a duty prescribed by the Constitution, to the performance of which the first meeting of the new Congress is a period eminently appropriate, and which it is now my purpose to discharge.

Our relations of friendship with the other nations of the earth, political and commercial, have been preserved unimpaired, and the opportunities to improve them have been cultivated with anxious and unremitting attention. A negotiation upon subjects of high and delicate interest with the Government of Great Britain has terminated in the adjustment of some of the questions at issue upon satisfactory terms and the postponement of others for future discussion and agreement. The purposes of the convention concluded at St. Petersburg on the 12th day of July, 1822, under the mediation of the late Emperor Alexander, have been carried into effect by a subsequent convention, concluded at London on the 13th of November, 1826, the ratifications of which were exchanged at that place on the 6th day of February last. A copy of the proclamation issued on the 19th day of March last, publishing this convention, is herewith communicated to Congress. The sum of $1,204,960, therein stipulated to be paid to the claimants of indemnity under the first article of the treaty of Ghent, has been duly received, and the commission instituted, comformably to the act of Congress of the 2d of March last, for the distribution of the indemnity to the persons entitled to receive it are now in session and approaching the consummation of their labors. This final disposal of one of the most painful topics of collision between the United States and Great Britain not only affords an occasion of gratulation to ourselves, but has had the happiest effect in promoting a friendly disposition and in softening asperities upon other objects of discussion; nor ought it to pass without the tribute of a frank and cordial acknowledgment of the magnanimity with which an honorable nation, by the reparation of their own wrongs, achieves a triumph more glorious than any field of blood can ever bestow.

The conventions of 3d July, 1815, and of 20th October, 1818, will expire by their own limitation on the 20th of October, 1828. These have regulated the direct commercial intercourse between the United States and Great Britain upon terms of the most perfect reciprocity; and they effected a temporary compromise of the respective rights and claims to territory westward of the Rocky Mountains. These arrangements have been continued for an indefinite period of time after the expiration of the above-mentioned conventions, leaving each party the liberty of terminating them by giving twelve months' notice to the other. The radical principle of all commercial intercourse between independent nations is the mutual interest of both parties. It is the vital spirit of trade itself; nor can it be reconciled to the nature of man or to the primary laws of human society that any traffic should long be willingly pursued of which all the advantages are on one side and all the burdens on the other. Treaties of commerce have been found by experience to be among the most effective instruments for promoting peace and harmony between nations whose interests, exclusively considered on either side, are brought into frequent collisions by competition. In framing such treaties it is the duty of each party not simply to urge with unyielding pertinacity that which suits its own interest, but to concede liberally to that which is adapted to the interest of the other. To accomplish this, little more is generally required than a simple observance of the rule of reciprocity, and were it possible for the statesmen of one nation by stratagem and management to obtain from the weakness or ignorance of another an overreaching treaty, such a compact would prove an incentive to war rather than a bond of peace. Our conventions with Great Britain are founded upon the principles of reciprocity. The commercial intercourse between the two countries is greater in magnitude and amount than between any two other nations on the globe. It is for all purposes of benefit or advantage to both as precious, and in all probability far more extensive, than if the parties were still constituent parts of one and the same nation. Treaties between such States, regulating the intercourse of peace between them and adjusting interests of such transcendent importance to both, which have been found in a long experience of years mutually advantageous, should not be lightly canceled or discontinued. Two conventions for continuing in force those above mentioned have been concluded between the plenipotentiaries of the two Governments on the 6th of August last, and will be forthwith laid before the Senate for the exercise of their constitutional authority concerning them.

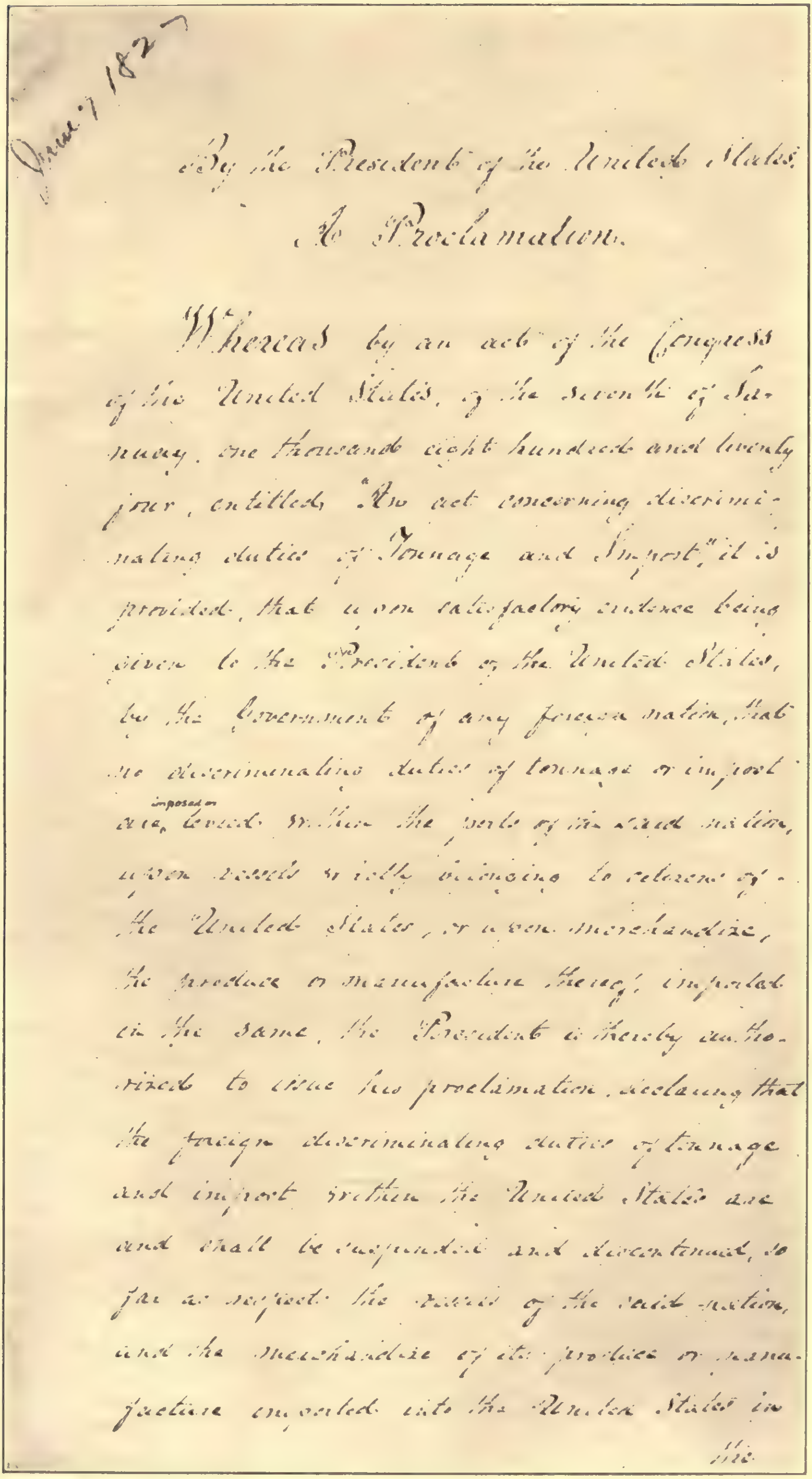
In the execution of the treaties of peace of November, 1782, and September, 1783, between the United States and Great Britain, and which terminated the war of our independence, a line of boundary was drawn as the demarcation of territory between the two countries, extending over near 20 degrees of latitude, and ranging over seas, lakes, and mountains, then very imperfectly explored and scarcely opened to the geographical knowledge of the age. In the progress of discovery and settlement by both parties since that time several questions of boundary between their respective territories have arisen, which have been found of exceedingly difficult adjustment. At the close of the last war with Great Britain four of these questions pressed themselves upon the consideration of the negotiators of the treaty of Ghent, but without the means of concluding a definitive arrangement concerning them. They were referred to three separate commissions consisting of two commissioners, one appointed by each party, to examine and decide upon their respective claims. In the event of a disagreement between the commissioners it was provided that they should make reports to their several Governments, and that the reports should finally be referred to the decision of a sovereign the common friend of both. Of these commissions two have already terminated their sessions and investigations, one by entire and the other by partial agreement. The commissioners of the fifth article of the treaty of Ghent have finally disagreed, and made their conflicting reports to their own Governments. But from these reports a great difficulty has occurred in making up a question to be decided by the arbitrator. This purpose has, however, been effected by a fourth convention, concluded at London by the plenipotentiaries of the two Governments on the 29th of September last. It will be submitted, together with the others, to the consideration of the Senate.

While these questions have been pending incidents have occurred of conflicting pretensions and of dangerous character upon the territory itself in dispute between the two nations. By a common understanding between the Governments it was agreed that no exercise of exclusive jurisdiction by either party while the negotiation was pending should change the state of the question of right to be definitively settled. Such collision has, nevertheless, recently taken place by occurrences the precise character of which has not yet been ascertained. A communication from the governor of the State of Maine, with accompanying documents, and a correspondence between the Secretary of State and the minister of Great Britain on this subject are now communicated. Measures have been taken to ascertain the state of the facts more correctly by the employment of a special agent to visit the spot where the alleged outrages have occurred, the result of whose inquiries, when received, will be transmitted to Congress.

While so many of the subjects of high interest to the friendly relations between the two countries have been so far adjusted, it is matter of regret that their views respecting the commercial intercourse between the United States and the British colonial possessions have not equally approximated to a friendly agreement.

At the commencement of the last session of Congress they were informed of the sudden and unexpected exclusion by the British Government of access in vessels of the United States to all their colonial ports, except those immediately bordering upon our own territories. In the amicable discussions which have succeeded the adoption of this measure, which, as it affected harshly the interests of the United States, became a subject of expostulation on our part, the principles upon which its justification has been placed have been of a diversified character. It has been at once ascribed to a mere recurrence to the old, long-established principle of colonial monopoly and at the same time to a feeling of resentment because the offers of an act of Parliament opening the colonial ports upon certain conditions had not been grasped at with sufficient eagerness by an instantaneous conformity to them. At a subsequent period it has been intimated that the new exclusion was in resentment because a prior act of Parliament, of 1822, opening certain colonial ports, under heavy and burdensome restrictions, to vessels of the United States, had not been reciprocated by an admission of British vessels from the colonies, and their cargoes, without any restriction or discrimination whatever. But be the motive for the interdiction what it may, the British Government have manifested no disposition, either by negotiation or by corresponding legislative enactments, to recede from it, and we have been given distinctly to understand that neither of the bills which were under the consideration of Congress at their last session would have been deemed sufficient in their concessions to have been rewarded by any relaxation from the British interdict. It is one of the inconveniences inseparably connected with the attempt to adjust by reciprocal legislation interests of this nature that neither party can know what would be satisfactory to the other, and that after enacting a statute for the avowed and sincere purpose of conciliation it will generally be found utterly inadequate to the expectations of the other party, and will terminate in mutual disappointment.

The session of Congress having terminated without any act upon the subject, a proclamation was issued on the 17th of March last, conformably to the provisions of the sixth section of the act of 1st March, 1823, declaring the fact that the trade and intercourse authorized by the British act of Parliament of 24th June, 1822, between the United States and the British enumerated colonial ports had been by the subsequent acts of Parliament of 5th July, 1825, and the order of council of 27th July, 1826, prohibited. The effect of this proclamation, by the terms of the act under which it was issued, has been that each and every provision of the act concerning navigation of 18th April, 1818, and of the act supplementary thereto of 15th May, 1820, revived and is in full force. Such, then, is the present condition of the trade that, useful as it is to both parties, it can, with a single momentary exception, be carried on directly by the vessels of neither. That exception itself is found in a proclamation of the governor of the island of St. Christopher and of the Virgin Islands, inviting for three months from the 28th of August last the importation of the articles of the produce of the United States which constitute their export portion of this trade in the vessels of all nations. That period



June 7 1827

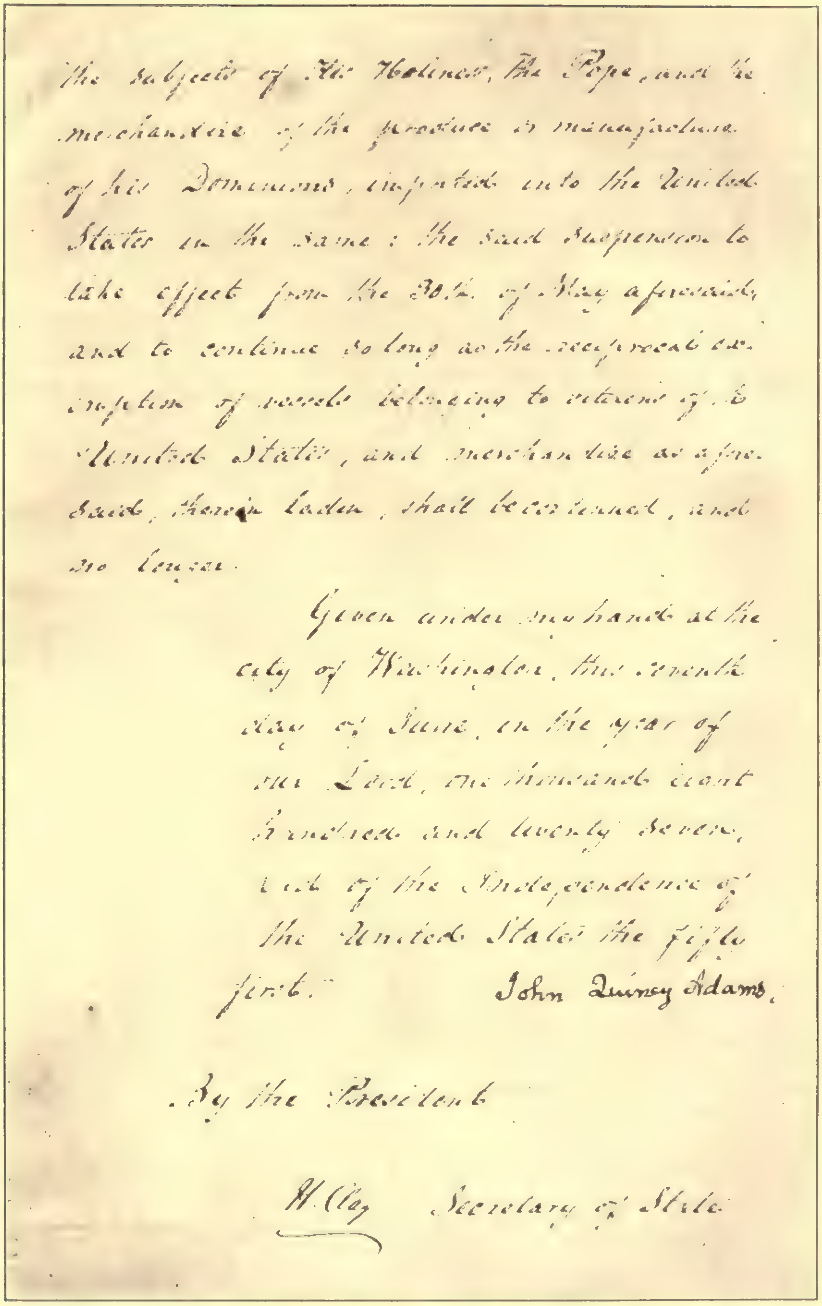
By the President of the United States.

A Proclamation.

Whereas by an act of the Congress of the United States, of the seventh of January, one thousand eight hundred and twenty four, entitled "An act concerning discriminating duties of Tonnage and Impost," it is provided, that upon satisfactory evidence being given to the President of the United States, by the Government of any foreign nation, that no discriminating duties of tonnage or impost are imposed or levied within the ports of the said nation, upon vessels wholly belonging to citizens of the United States, or upon merchandize, the produce or manufacture thereof, imported in the same, the President is thereby authorized to issue his proclamation, declaring that the foreign discriminating duties of tonnage and impost within the United States are and shall be suspended and discontinued, so far as respects the vessels of the said nation, and the merchandize of its produce or manufacture imported into the United States in the

the

JOHN QUINCY ADAMS' PROCLAMATION OF TONNAGE DUTIES.



the subjects of His Holiness, the Pope, and the merchandise of the produce or manufacture of his Dominions, imported into the United States in the same: the said suspension to take effect from the 30th of May aforesaid, and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States, and merchandise as aforesaid, therein laden, shall be continued, and no longer.

Given under my hand at the city of Washington, this seventh day of June, in the year of our Lord, one thousand eight hundred and twenty seven, and of the Independence of the United States the fifty first.

John Quincy Adams.

By the President

H. Clay Secretary of State

SIGNATURES OF JOHN QUINCY ADAMS AND HENRY CLAY having already expired, the state of mutual interdiction has again taken place. The British Government have not only declined negotiation upon this subject, but by the principle they have assumed with reference to it have precluded even the means of negotiation. It becomes not the self-respect of the United States either to solicit gratuitous favors or to accept as the grant of a favor that for which an ample equivalent is exacted. It remains to be determined by the respective Governments whether the trade shall be opened by acts of reciprocal legislation. It is, in the meantime, satisfactory to know that apart from the inconveniences resulting from a disturbance of the usual channels of trade no loss has been sustained by the commerce, the navigation, or the revenue of the United States, and none of magnitude is to be apprehended from this existing state of mutual interdict.

With the other maritime and commercial nations of Europe our intercourse continues with little variation. Since the cessation by the convention of 24th June, 1822, of all discriminating duties upon the vessels of the United States and of France in either country our trade with that nation has increased and is increasing. A disposition on the part of France has been manifested to renew that negotiation, and in acceding to the proposal we have expressed the wish that it might be extended to other subjects upon which a good understanding between the parties would be beneficial to the interests of both. The origin of the political relations between the United States and France is coeval with the first years of our independence. The memory of it is interwoven with that of our arduous struggle for national existence. Weakened as it has occasionally been since that time, it can by us never be forgotten, and we should hail with exultation the moment which should indicate a recollection equally friendly in spirit on the part of France. A fresh effort has recently been made by the minister of the United States residing at Paris to obtain a consideration of the just claims of citizens of the United States to the reparation of wrongs long since committed, many of them frankly acknowledged and all of them entitled upon every principle of justice to a candid examination. The proposal last made to the French Government has been to refer the subject which has formed an obstacle to this consideration to the determination of a sovereign the common friend of both. To this offer no definitive answer has yet been received, but the gallant and honorable spirit which has at all times been the pride and glory of France will not ultimately permit the demands of innocent sufferers to be extinguished in the mere consciousness of the power to reject them.

A new treaty of amity, navigation, and commerce has been concluded with the Kingdom of Sweden, which will be submitted to the Senate for their advice with regard to its ratification. At a more recent date a minister plenipotentiary from the Hanseatic Republics of Hamburg, Lubeck, and Bremen has been received, charged with a special mission for the negotiation of a treaty of amity and commerce between that ancient and renowned league and the United States. This negotiation has accordingly been commenced, and is now in progress, the result of which will, if successful, be also submitted to the Senate for their consideration.

Since the accession of the Emperor Nicholas to the imperial throne of all the Russias the friendly dispositions toward the United States so constantly manifested by his predecessor have continued unabated, and have been recently testified by the appointment of a minister plenipotentiary to reside at this place. From the interest taken by this Sovereign in behalf of the suffering Greeks and from the spirit with which others of the great European powers are cooperating with him the friends of freedom and of humanity may indulge the hope that they will obtain relief from that most unequal of conflicts which they have so long and so gallantly sustained; that they will enjoy the blessing of self-government, which by their sufferings in the cause of liberty they have richly earned, and that their independence will be secured by those liberal institutions of which their country furnished the earliest examples in the history of mankind, and which have consecrated to immortal remembrance the very soil for which they are now again profusely pouring forth their blood. The sympathies which the people and Government of the United States have so warmly indulged with their cause have been acknowledged by their Government in a letter of thanks, which I have received from their illustrious President, a translation of which is now communicated to Congress, the representatives of that nation to whom this tribute of gratitude was intended to be paid, and to whom it was justly due.

In the American hemisphere the cause of freedom and independence has continued to prevail, and if signalized by none of those splendid triumphs which had crowned with glory some of the preceding years it has only been from the banishment of all external force against which the struggle had been maintained. The shout of victory has been superseded by the expulsion of the enemy over whom it could have been achieved. Our friendly wishes and cordial good will, which have constantly followed the southern nations of America in all the vicissitudes of their war of independence, are succeeded by a solicitude equally ardent and cordial that by the wisdom and purity of their institutions they may secure to themselves the choicest blessings of social order and the best rewards of virtuous liberty. Disclaiming alike all right and all intention of interfering in those concerns which it is the prerogative of their independence to regulate as to them shall seem fit, we hail with joy every indication of their prosperity, of their harmony, of their persevering and inflexible homage to those principles of freedom and of equal rights which are alone suited to the genius and temper of the American nations. It has been, therefore, with some concern that we have observed indications of intestine divisions in some of the Republics of the south, and appearances of less union with one another than we believe to be the interest of all. Among the results of this state of things has been that the treaties concluded at Panama do not appear to have been ratified by the contracting parties, and that the meeting of the congress at Tacubaya has been indefinitely postponed. In accepting the invitations to be represented at this congress, while a manifestation was intended on the part of the United States of the most friendly disposition toward the southern Republics by whom it had been proposed, it was hoped that it would furnish an opportunity for bringing all the nations of this hemisphere to the common acknowledgment and adoption of the principles in the regulation of their internal relations which would have secured a lasting peace and harmony between them and have promoted the cause of mutual benevolence throughout the globe. But as obstacles appear to have arisen to the reassembling of the congress, one of the two ministers commissioned on the part of the United States has returned to the bosom of his country, while the minister charged with the ordinary mission to Mexico remains authorized to attend at the conferences of the congress whenever they may be resumed.

A hope was for a short time entertained that a treaty of peace actually signed between the Governments of Buenos Ayres and of Brazil would supersede all further occasion for those collisions between belligerent pretensions and neutral rights which are so commonly the result of maritime war, and which have unfortunately disturbed the harmony of the relations between the United States and the Brazilian Governments. At their last session Congress were informed that some of the naval officers of that Empire had advanced and practiced upon principles in relation to blockades and to neutral navigation which we could not sanction, and which our commanders found it necessary to resist. It appears that they have not been sustained by the Government of Brazil itself. Some of the vessels captured under the assumed authority of these erroneous principles have been restored, and we trust that our just expectations will be realized that adequate indemnity will be made to all the citizens of the United States who have suffered by the unwarranted captures which the Brazilian tribunals themselves have pronounced unlawful.

In the diplomatic discussions at Rio de Janeiro of these wrongs sustained by citizens of the United States and of others which seemed as if emanating immediately from that Government itself the chargé d'affaires of the United States, under an impression that his representations in behalf of the rights and interests of his countrymen were totally disregarded and useless, deemed it his duty, without waiting for instructions, to terminate his official functions, to demand his passports, and return to the United States. This movement, dictated by an honest zeal for the honor and interests of his country—motives which operated exclusively on the mind of the officer who resorted to it—has not been disapproved by me. The Brazilian Government, however, complained of it as a measure for which no adequate intentional cause had been given by them, and upon an explicit assurance through their chargé d'affaires residing here that a successor to the late representative of the United States near that Government, the appointment of whom they desired, should be received and treated with the respect due to his character, and that indemnity should be promptly made for all injuries inflicted on citizens of the United States or their property contrary to the laws of nations, a temporary commission as chargé d'affaires to that country has been issued, which it is hoped will entirely restore the ordinary diplomatic intercourse between the two Governments and the friendly relations between their respective nations.

Turning from the momentous concerns of our Union in its intercourse with foreign nations to those of the deepest interest in the administration of our internal affairs, we find the revenues of the present year corresponding as nearly as might be expected with the anticipations of the last, and presenting an aspect still more favorable in the promise of the next. The balance in the Treasury on January 1 last was $6,358,686.18. The receipts from that day to the 30th of September last, as near as the returns of them yet received can show, amount to $16,886,581.32. The receipts of the present quarter, estimated at $4,515,000, added to the above form an aggregate of $21,400,000 of receipts. The expenditures of the year may perhaps amount to $22,300,000, presenting a small excess over the receipts. But of these twenty-two millions, upward of six have been applied to the discharge of the principal of the public debt, the whole amount of which, approaching seventy-four millions on the 1st of January last, will on the first day of the next year fall short of sixty-seven millions and a halt. The balance in the Treasury on the 1st of January next it is expected will exceed $5,450,000, a sum exceeding that of the 1st of January, 1825, though falling short of that exhibited on the 1st of January last.

It was foreseen that the revenue of the present year would not equal that of the last, which had itself been less than that of the next preceding year. But the hope has been realized which was entertained, that these deficiencies would in nowise interrupt the steady operation of the discharge of the public debt by the annual ten millions devoted to that object by the act of 3d March, 1817.

The amount of duties secured on merchandise imported from the commencement of the year until the 30th of September last is $21,226,000, and the probable amount of that which will be secured during the remainder of the year is $5,774,000, forming a sum total of $27,000,000. With the allowances for drawbacks and contingent deficiencies which may occur, though not specifically foreseen, we may safely estimate the receipts of the ensuing year at $22,300,000—a revenue for the next equal to the expenditure of the present year.

The deep solicitude felt by our citizens of all classes throughout the Union for the total discharge of the public debt will apologize for the earnestness with which I deem it my duty to urge this topic upon the consideration of Congress—of recommending to them again the observance of the strictest economy in the application of the public funds. The depression upon the receipts of the revenue which had commenced with the year 1826 continued with increased severity during the two first quarters of the present year. The returning tide began to flow with the third quarter, and, so far as we can judge from experience, may be expected to continue through the course of the ensuing year. In the meantime an alleviation from the burden of the public debt will in the three years have been effected to the amount of nearly sixteen millions, and the charge of annual interest will have been reduced upward of one million. But among the maxims of political economy which the stewards of the public moneys should never suffer without urgent necessity to be transcended is that of keeping the expenditures of the year within the limits of its receipts. The appropriations of the two last years, including the yearly ten millions of the sinking fund, have each equaled the promised revenue of the ensuing year. While we foresee with confidence that the public coffers will be replenished from the receipts as fast as they will be drained by the expenditures, equal in amount to those of the current year, it should not be forgotten that they could ill suffer the exhaustion of larger disbursements.

The condition of the Army and of all the branches of the public service under the superintendence of the Secretary of War will be seen by the report from that officer and the documents with which it is accompanied.

During the last summer a detachment of the Army has been usefully and successfully called to perform their appropriate duties. At the moment when the commissioners appointed for carrying into execution certain provisions of the treaty of August 19, 1825, with various tribes of the Northwestern Indians were about to arrive at the appointed place of meeting the unprovoked murder of several citizens and other acts of unequivocal hostility committed by a party of the Winnebago tribe, one of those associated in the treaty, followed by indications of a menacing character among other tribes of the same region, rendered necessary an immediate display of the defensive and protective force of the Union in that quarter. It was accordingly exhibited by the immediate and concerted movements of the governors of the State of Illinois and of the Territory of Michigan, and competent levies of militia, under their authority, with a corps of 700 men of United States troops, under the command of General Atkinson, who, at the call of Governor Cass, immediately repaired to the scene of danger from their station at St. Louis. Their presence dispelled the alarms of our fellow-citizens on those borders, and overawed the hostile purposes of the Indians. The perpetrators of the murders were surrendered to the authority and operation of our laws, and every appearance of purposed hostility from those Indian tribes has subsided.

Although the present organization of the Army and the administration of its various branches of service are, upon the whole, satisfactory, they are yet susceptible of much improvement in particulars, some of which have been heretofore submitted to the consideration of Congress, and others are now first presented in the report of the Secretary of War.

The expediency of providing for additional numbers of officers in the two corps of engineers will in some degree depend upon the number and extent of the objects of national importance upon which Congress may think it proper that surveys should be made conformably to the act of the 30th of April, 1824. Of the surveys which before the last session of Congress had been made under the authority of that act, reports were made—

1. Of the Board of Internal Improvement, on the Chesapeake and Ohio Canal.
2. On the continuation of the national road from Cumberland to the tide waters within the District of Columbia.
3. On the continuation of the national road from Canton to Zanesville.
4. On the location of the national road from Zanesville to Columbus.
5. On the continuation of the same to the seat of government in Missouri.
6. On a post-road from Baltimore to Philadelphia.
7. Of a survey of Kennebec River (in part).
8. On a national road from Washington to Buffalo.
9. On the survey of Saugatuck Harbor and River.
10. On a canal from Lake Pontchartrain to the Mississippi River.
11. On surveys at Edgartown, Newburyport, and Hyannis Harbor.
12. On survey of La Plaisance Bay, in the Territory of Michigan.

And reports are now prepared and will be submitted to Congress—

On surveys of the peninsula of Florida, to ascertain the practicability of a canal to connect the waters of the Atlantic with the Gulf of Mexico across that peninsula; and also of the country between the bays of Mobile and of Pensacola, with the view of connecting them together by a canal.

On surveys of a route for a canal to connect the waters of James and Great Kenhawa rivers.

On the survey of the Swash, in Pamlico Sound, and that of Cape Fear, below the town of Wilmington, in North Carolina.

On the survey of the Muscle Shoals, in the Tennessee River, and for a route for a contemplated communication between the Hiwassee and Coosa rivers, in the State of Alabama.

Other reports of surveys upon objects pointed out by the several acts of Congress of the last and preceding sessions are in the progress of preparation, and most of them may be completed before the close of this session. All the officers of both corps of engineers, with several other persons duly qualified, have been constantly employed upon these services from the passage of the act of 30th April, 1824, to this time. Were no other advantage to accrue to the country from their labors than the fund of topographical knowledge which they have collected and communicated, that alone would have been a profit to the Union more than adequate to all the expenditures which have been devoted to the object; but the appropriations for the repair and continuation of the Cumberland road, for the construction of various other roads, for the removal of obstructions from the rivers and harbors, for the erection of light-houses, beacons, piers, and buoys, and for the completion of canals undertaken by individual associations, but needing the assistance of means and resources more comprehensive than individual enterprise can command, may be considered rather as treasures laid up from the contributions of the present age for the benefit of posterity than as unrequited applications of the accruing revenues of the nation. To such objects of permanent improvement to the condition of the country, of real addition to the wealth as well as to the comfort of the people by whose authority and resources they have been effected, from three to four millions of the annual income of the nation have, by laws enacted at the three most recent sessions of Congress, been applied, without intrenching upon the necessities of the Treasury, without adding a dollar to the taxes or debts of the community, without suspending even the steady and regular discharge of the debts contracted in former days, which within the same three years have been diminished by the amount of nearly $16,000,000.

The same observations are in a great degree applicable to the appropriations made for fortifications upon the coasts and harbors of the United States, for the maintenance of the Military Academy at West Point, and for the various objects under the superintendence of the Department of the Navy. The report from the Secretary of the Navy and those from the subordinate branches of both the military departments exhibit to Congress in minute detail the present condition of the public establishments dependent upon them, the execution of the acts of Congress relating to them, and the views of the officers engaged in the several branches of the service concerning the improvements which may tend to their perfection. The fortification of the coasts and the gradual increase and improvement of the Navy are parts of a great system of national defense which has been upward of ten years in progress, and which for a series of years to come will continue to claim the constant and persevering protection and superintendence of the legislative authority. Among the measures which have emanated from these principles the act of the last session of Congress for the gradual improvement of the Navy holds a conspicuous place. The collection of timber for the future construction of vessels of war, the preservation and reproduction of the species of timber peculiarly adapted to that purpose, the construction of dry docks for the use of the Navy, the erection of a marine railway for the repair of the public ships, and the improvement of the navy-yards for the preservation of the public property deposited in them have all received from the Executive the attention required by that act, and will continue to receive it, steadily proceeding toward the execution of all its purposes. The establishment of a naval academy, furnishing the means of theoretic instruction to the youths who devote their lives to the service of their country upon the ocean, still solicits the sanction of the Legislature. Practical seamanship and the art of navigation may be acquired on the cruises of the squadrons which from time to time are dispatched to distant seas, but a competent knowledge even of the art of shipbuilding, the higher mathematics, and astronomy; the literature which can place our officers on a level of polished education with the officers of other maritime nations; the knowledge of the laws, municipal and national, which in their intercourse with foreign states and their governments are continually called into operation, and, above all, that acquaintance with the principles of honor and justice, with the higher obligations of morals and of general laws, human and divine, which constitutes the great distinction between the warrior-patriot and the licensed robber and pirate—these can be systematically taught and eminently acquired only in a permanent school, stationed upon the shore and provided with the teachers, the instruments, and the books conversant with and adapted to the communication of the principles of these respective sciences to the youthful and inquiring mind.

The report from the Postmaster-General exhibits the condition of that Department as highly satisfactory for the present and still more promising for the future. Its receipts for the year ending the 1st of July last amounted to $1,473,551, and exceeded its expenditures by upward of $100,000. It can not be an oversanguine estimate to predict that in less than ten years, of which one-half have elapsed, the receipts will have been more than doubled. In the meantime a reduced expenditure upon established routes has kept pace with increased facilities of public accommodation and additional services have been obtained at reduced rates of compensation. Within the last year the transportation of the mail in stages has been greatly augmented. The number of post-offices has been increased to 7,000, and it may be anticipated that while the facilities of intercourse between fellow-citizens in person or by correspondence will soon be carried to the door of every villager in the Union, a yearly surplus of revenue will accrue which may be applied as the wisdom of Congress under the exercise of their constitutional powers may devise for the further establishment and improvement of the public roads, or by adding still further to the facilities in the transportation of the mails. Of the indications of the prosperous condition of our country, none can be more pleasing than those presented by the multiplying relations of personal and intimate intercourse between the citizens of the Union dwelling at the remotest distances from each other.

Among the subjects which have heretofore occupied the earnest solicitude and attention of Congress is the management and disposal of that portion of the property of the nation which consists of the public lands. The acquisition of them, made at the expense of the whole Union, not only in treasure but in blood, marks a right of property in them equally extensive. By the report and statements from the General Land Office now communicated it appears that under the present Government of the United States a sum little short of $33,000,000 has been paid from the common Treasury for that portion of this property which has been purchased from France and Spain, and for the extinction of the aboriginal titles. The amount of lands acquired is near 260,000,000 acres, of which on the 1st of January, 1826, about 139,000,000 acres had been surveyed, and little more than 19,000,000 acres had been sold. The amount paid into the Treasury by the purchasers of the public lands sold is not yet equal to the sums paid for the whole, but leaves a small balance to be refunded. The proceeds of the sales of the lands have long been pledged to the creditors of the nation, a pledge from which we have reason to hope that they will in a very few years be redeemed.

The system upon which this great national interest has been managed was the result of long, anxious, and persevering deliberation. Matured and modified by the progress of our population and the lessons of experience, it has been hitherto eminently successful. More than nine-tenths of the lands still remain the common property of the Union, the appropriation and disposal of which are sacred trusts in the hands of Congress. Of the lands sold, a considerable part were conveyed under extended credits, which in the vicissitudes and fluctuations in the value of lands and of their produce became oppressively burdensome to the purchasers. It can never be the interest or the policy of the nation to wring from its own citizens the reasonable profits of their industry and enterprise by holding them to the rigorous import of disastrous engagements. In March, 1821, a debt of $22,000,000, due by purchasers of the public lands, had accumulated, which they were unable to pay. An act of Congress of the 2d March, 1821, came to their relief, and has been succeeded by others, the latest being the act of the 4th of May, 1826, the indulgent provisions of which expired on the 4th July last. The effect of these laws has been to reduce the debt from the purchasers to a remaining balance of about $4,300,000 due, more than three-fifths of which are for lands within the State of Alabama. I recommend to Congress the revival and continuance for a further term of the beneficent accommodations to the public debtors of that statute, and submit to their consideration, in the same spirit of equity, the remission, under proper discriminations, of the forfeitures of partial payments on account of purchases of the public lands, so far as to allow of their application to other payments.

There are various other subjects of deep interest to the whole Union which have heretofore been recommended to the consideration of Congress, as well by my predecessors as, under the impression of the duties devolving upon me, by myself. Among these are the debt, rather of justice than gratitude, to the surviving warriors of the Revolutionary war; the extension of the judicial administration of the Federal Government to those extensive and important members of the Union which, having risen into existence since the organization of the present judiciary establishment, now constitute at least one-third of its territory, power, and population; the formation of a more effective and uniform system for the government of the militia, and the amelioration in some form or modification of the diversified and often oppressive codes relating to insolvency. Amidst the multiplicity of topics of great national concernment which may recommend themselves to the calm and patriotic deliberations of the Legislature, it may suffice to say that on these and all other measures which may receive their sanction my hearty cooperation will be given, conformably to the duties enjoined upon me and under the sense of all the obligations prescribed by the Constitution.

JOHN QUINCY ADAMS.

SPECIAL MESSAGES.

WASHINGTON, *December 6, 1827*.

To the Senate of the United States:

In compliance with a resolution of the Senate of the 19th of February last, requesting a statement of all the expenses annually incurred in carrying into effect the act of March 2, 1819, for prohibiting the slave trade, including the cost of keeping the ships of war on the coast of Africa and all the incidental expenses growing out of the operation of that act, I transmit a report from the Secretary of the Navy, with the statement, so far as it can be made, required by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *December 11, 1827*.

To the Senate of the United States:

I transmit to the Senate—

1. A convention between the United States and Great Britain for the continuance in force of the convention of 3d July, 1815, after the 20th October, 1828, the term at which it would otherwise expire.

2. A convention between the same parties for continuing in force after the 20th October, 1828, the provisions of the third article of the convention of 20th October 1818, in relation to the territories westward of the Rocky Mountains.

3. A convention between the same parties for the reference to a friendly

sovereign of the points of difference between them relating to the northeastern boundary of the United States.

The first and second of these conventions were signed by the plenipotentiaries of the respective parties at London on the 6th day of August and the third on the 29th day of September last.

Copies of them are also communicated, together with the correspondence and documents illustrative of their negotiation.

I request the advice of the Senate with regard to the ratification of each of them.

JOHN QUINCY ADAMS.

WASHINGTON, *December 11, 1827.*

To the Senate of the United States:

I transmit to the Senate, for their advice with regard to its ratification, a treaty of commerce and navigation between the United States and the Kingdom of Sweden and Norway, signed at Stockholm by the plenipotentiaries of the two Governments on the 4th day of July last.

A copy of the treaty, with a translation, and the instructions and correspondence relating to the negotiation are also communicated.

JOHN QUINCY ADAMS.

WASHINGTON, *December 12, 1827.*

To the Senate and House of Representatives of the United States:

I transmit herewith to Congress copies of a report of the surveyor-general of lands northwest of Ohio, with a plat of the northern boundary line of the State of Indiana, surveyed in conformity to the act of Congress to authorize the President of the United States to ascertain and designate the northern boundary of the State of Indiana, passed the 2d of March, 1827.

JOHN QUINCY ADAMS.

WASHINGTON, *December 24, 1827.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 14th instant, requesting a communication of the instructions to the American minister at London for the negotiation of the convention of the 13th of November, 1826, with Great Britain, for indemnity to the claimants under the first article of the treaty of Ghent, together with the letters of the minister accompanying and explaining the said convention, I transmit herewith a report from the Secretary of State, together with the documents desired.

JOHN QUINCY ADAMS.

WASHINGTON, *January 4, 1828.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 19th of last month, I communicate herewith a report from the Secretary of State, with copies of the correspondence with the British Government relating to the establishment of light-houses, light-vessels, buoys, and other improvements to the navigation within their jurisdiction, opposite to the coast of Florida, referred to in the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *January 7, 1828.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 17th of last month, I transmit to the House a report from the Secretary of State and the correspondence with the Government of Great Britain relative to the free navigation of the river St. Lawrence.

JOHN QUINCY ADAMS.

WASHINGTON, *January 9, 1828.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 7th instant, I transmit herewith Mitchell's map and the map marked A,* as requested by the resolution, desiring that when the Senate shall have no further use for them they may be returned.

JOHN QUINCY ADAMS.

WASHINGTON, *January 15, 1828.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 2d instant, requesting information respecting the recovery of debts and property in the Mexican States from persons absconding from the United States, and also respecting the boundary between the State of Louisiana and the Province of Texas, I now transmit a report from the Secretary of State on the subject-matter of the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *January 22, 1828.*

To the Senate of the United States:

I transmit to the Senate, for their consideration and advice, articles of agreement signed at the Creek Agency on the 15th of November last by Thomas L. McKenney and John Crowell in behalf of the United States and by the Little Prince and other chiefs and headmen of the Creek

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* Relating to the northeastern boundary of the United States.

Nation, with a supplementary article concluded by the said John Crowell with the chiefs and headmen of the nation in general council convened on the 3d instant, embracing a cession by the Creek Nation of all the remnant of their lands within the State of Georgia. Documents connected with the negotiation of the treaty and the instructions under which it was effected are also communicated to the Senate.

JOHN QUINCY ADAMS.

WASHINGTON, *January 22, 1828.*

To the Senate and House of Representatives of the United States:

By the report of the Secretary of War and the documents from that Department exhibited to Congress at the commencement of their present session they were advised of the measures taken for carrying into execution the act of 4th May, 1826, to authorize the President of the United States to run and mark a line dividing the Territory of Florida from the State of Georgia, and of their unsuccessful result. I now transmit to Congress copies of communications received from the governor of Georgia relating to that subject.

JOHN QUINCY ADAMS.

WASHINGTON, *January 23, 1828.*

To the Senate of the United States:

A resolution of the Senate of the 9th instant requested information relative to the trade between the United States and the colonies of France. A report from the Secretary of State, with a translation of the ordinance of the King of France of the 5th of February, 1826, is herewith transmitted, containing the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *January 28, 1828.*

To the Senate of the United States:

I transmit to the Senate—

1. A treaty concluded at the Butte des Morts, on Fox River, in the Territory of Michigan, on 11th of August, 1827, between Lewis Cass and Thomas L. McKenney, commissioners of the United States, and the chiefs and headmen of the Chippewa, Menomonie, and Winnebago tribes of Indians.

2. A treaty concluded at St. Joseph, in the Territory of Michigan, on the 19th of September, 1827, between Lewis Cass, commissioner of the United States, and the chiefs and warriors of the Potawatamie tribe of Indians.

Upon which treaties I request the advice of the Senate. The instructions and other documents relating to the negotiation of them are herewith communicated.

JOHN QUINCY ADAMS.

WASHINGTON, *January 29, 1828.*

To the House of Representatives of the United States:

A report from the Secretary of State, with copies of a recent correspondence between the chargé d'affaires from Brazil and him on the subjects of discussion between this Government and that of Brazil,* is transmitted to the House of Representatives, in compliance with a resolution of the House of the 2d instant.

JOHN QUINCY ADAMS.

WASHINGTON, *February 6, 1828.*

To the Senate and House of Representatives of the United States:

I communicate herewith to Congress copies of a treaty of commerce and navigation between the United States and His Majesty the King of Sweden and Norway, concluded at Stockholm on the 4th of July, 1827, and the ratifications of which were exchanged on the 18th ultimo at this city.

JOHN QUINCY ADAMS.

WASHINGTON, *February 14, 1828.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 11th instant, requesting copies of the instructions to Andrew Ellicott, commissioner for running the line between the United States and Spain, and of any journal or report of the commissioners, I communicate herewith a report from the Secretary of State, with the documents requested, so far as they are found in the files of that Department.

JOHN QUINCY ADAMS.

WASHINGTON, *February 21, 1828.*

To the Senate and House of Representatives of the United States:

In transmitting to Congress copies of a communication received from the governor of Pennsylvania, with certain resolutions of the legislature of that Commonwealth, relating to the Cumberland road, I deem it my duty to recommend to the consideration of Congress an adequate provision for the permanent preservation and repair of that great national work.

JOHN QUINCY ADAMS.

WASHINGTON, *March 3, 1828.*

To the House of Representatives of the United States:

I transmit to the House of Representatives a report from the Secretary of State, with documents, containing the instructions of the Government of the United States to Thomas Pinckney under which was negotiated the treaty of San Lorenzo el Real, and relating to the boundary line between the United States and the dominions, at that time, of Spain, as requested by a resolution of the House of the 18th ultimo.

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* Relating to the detention of American vessels by the naval forces of Brazil.

JOHN QUINCY ADAMS.

WASHINGTON, *March 3, 1828.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 3d of January last, requesting the communication of information in my possession relative to alleged aggression on the rights of citizens of the United States by persons claiming authority under the government of the Province of New Brunswick, I communicate a report from the Secretary of State, with a copy of that of the special agent mentioned in my message at the commencement of the present session of Congress as having been sent to visit the spot where the cause of complaint had occurred to ascertain the state of the facts, and the result of whose inquiries I then promised to communicate to Congress when it should be received.

The Senate are requested to receive this communication as the fulfillment of that engagement; and in making it I deem it proper to notice with just acknowledgment the liberality with which the minister of His Britannic Majesty residing here and the government of the Province of New Brunswick have furnished the agent of the United States with every facility for the attainment of the information which it was the object of his mission to procure.

Considering the exercise of exclusive territorial jurisdiction upon the grounds in controversy by the government of New Brunswick in the arrest and imprisonment of John Baker as incompatible with the mutual understanding existing between the Governments of the United States and of Great Britain on this subject, a demand has been addressed to the provincial authorities through the minister of Great Britain for the release of that individual from prison, and of indemnity to him for his detention. In doing this it has not been intended to maintain the regularity of his own proceedings or of those with whom he was associated, to which they were not authorized by any sovereign authority of this country.

The documents appended to the report of the agent being original papers belonging to the files of the Department of State, a return of them is requested when the Senate shall have no further use for them.

JOHN QUINCY ADAMS.

WASHINGTON, *March 7, 1828.*

To the Senate of the United States:

The resolution of the Senate of the 28th ultimo, requesting me to cause to be laid before the Senate all papers which might be in the Department of War relating to the treaty concluded at the Butte des Morts, on Fox

River, between Lewis Cass and Thomas L. McKenney, commissioners on the part of the United States, and the Chippewa, Menomonie, and Winnebago tribes of Indians, having been referred to the Secretary of War, the report of that officer thereon is herewith inclosed. The papers therein referred to were all transmitted to the Senate with the treaty. Before that event, however, a petition and several other papers had been addressed directly to me, in behalf of certain Indians originally and in part still residing within the State of New York, objecting to the ratification of the treaty, as affecting injuriously their rights and interests. The treaty was itself withheld from the Senate until it was understood at the War Department and by me that by the consent of the persons representing the New York Indians their objections were withdrawn, as by one of them, the Reverend Eleazer Williams, I was personally assured. Those papers, however, addressed directly to me, and which have not been upon the files of the War Department, are now transmitted to the Senate.

JOHN QUINCY ADAMS.

WASHINGTON, *March 14, 1828.*

To the Senate of the United States:

I transmit to the Senate, for their consideration and advice, a treaty concluded at the Wyandot village, near the Wabash, in the State of Indiana, between John Tipton, commissioner on the part of the United States, and the chiefs, headmen, and warriors of the Eel River or Thorntown party of Miami Indians, on the 11th day of February last.

A letter from the commissioner to the Secretary of War, with a copy of the journal of the proceedings which led to the conclusion of the treaty, are communicated with it to the Senate.

JOHN QUINCY ADAMS.

WASHINGTON, *March 15, 1828.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of the 21st ultimo, requesting me to lay before the House correspondence not heretofore communicated between the Government of the United States and that of Great Britain on the subject of the claims of the two Governments to the territory westward of the Rocky Mountains, I transmit herewith a report of the Secretary of State, with the documents requested by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *March 21, 1828.*

To the Senate and House of Representatives of the United States:

I transmit to Congress copies of a treaty concluded on the 15th day of November, 1827, by commissioners of the United States and the chiefs and headmen of the Creek Nation of Indians, which was duly ratified on the 4th instant.

JOHN QUINCY ADAMS.

WASHINGTON, *March 22, 1828.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 3d instant, touching the formation of a new government by the Cherokee tribe of Indians within the States of North Carolina, Georgia, Tennessee, and Alabama, and requesting copies of certain correspondence relating thereto, I transmit to the House of Representatives a report from the Secretary of War, together with the documents desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *March 25, 1828.*

To the House of Representatives of the United States:

I transmit herewith a report from the Secretary of State, prepared in compliance with the resolution of the House of Representatives of the 25th of February last, requesting copies of instructions and correspondence relating to the settlement of the boundary lines of the United States, or any one of them, under the Government of the Confederated States and by the definitive treaty of peace of 3d September, 1783, with Great Britain.

JOHN QUINCY ADAMS.

WASHINGTON, *April 8, 1828.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 22d ultimo, on the subject of the treaty with the Creek Nation of Indians of the 15th November last, I transmit herewith a report from the Secretary of War, with the documents, containing the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *April 15, 1828.*

To the House of Representatives of the United States:

In compliance with the resolution of the House of the 9th instant, requesting copies of the charges preferred against the agent of the United States for the Creek tribe of Indians since the 1st of January, 1826, and of proceedings had thereon, I transmit herewith a report from the Secretary of War, with documents, containing the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *April 17, 1828.*

To the Senate and House of Representatives of the United States:

In conformity with the practice of all my predecessors, I have during my service in the office of President transmitted to the two Houses of Congress from time to time, by the same private secretary, such messages as a proper discharge of my constitutional duty appeared to me to require. On Tuesday last he was charged with the delivery of a message to each House. Having presented that which was intended for the House of Representatives, whilst he was passing, within the Capitol, from their Hall to the Chamber of the Senate, for the purpose of delivering the other message, he was waylaid and assaulted in the Rotunda by a person, in the presence of a member of the House, who interposed and separated the parties.

I have thought it my duty to communicate this occurrence to Congress, to whose wisdom it belongs to consider whether it is of a nature requiring from them any animadversion, and also whether any further laws or regulations are necessary to insure security in the official intercourse between the President and Congress, and to prevent disorders within the Capitol itself.

In the deliberations of Congress upon this subject it is neither expected nor desired that any consequence shall be attached to the private relation in which my secretary stands to me.

JOHN QUINCY ADAMS.

WASHINGTON, *April 21, 1828.*

To the Senate of the United States:

I transmit to the Senate, for their consideration and advice, a treaty of limits between the United States of America and the United Mexican States, concluded by the plenipotentiaries of the two Governments on the 12th of January last. A copy of the treaty and the protocols of conference between the plenipotentiaries during the negotiation are inclosed with it.

JOHN QUINCY ADAMS.

WASHINGTON, *April 22, 1828.*

To the House of Representatives of the United States:

A copy of the opinion of the Attorney-General, dated 17th May, 1826, upon the construction of the award of the Emperor of Russia under the treaty of Ghent and upon certain questions propounded to him in relation thereto, subjoined to a report from the Secretary of State, are herewith communicated to the House, in compliance with their resolution of the 17th instant.

JOHN QUINCY ADAMS.

WASHINGTON, *April 24, 1828.*

To the Senate of the United States:

I transmit to the Senate, for the exercise of their constitutional authority thereon, a treaty of amity, commerce, and navigation between the United States of America and the United Mexican States, signed by their respective plenipotentiaries on the 14th of February last, with a copy of the treaty and the protocols of conference during and subsequent to the negotiation.

JOHN QUINCY ADAMS.

WASHINGTON, *April 28, 1828.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 9th instant, requesting a communication of the correspondence between this Government and that of Great Britain on the subject of the trade between the United States and the British colonial possessions in the West Indies and North America, not heretofore communicated, I transmit to the House a report from the Secretary of State, with the correspondence desired.

JOHN QUINCY ADAMS.

WASHINGTON, *April 30, 1828.*

To the Senate and House of Representatives of the United States:

In the month of December last 121 African negroes were landed at Key West from a Spanish slave-trading vessel stranded within the jurisdiction of the United States while pursued by an armed schooner in His Britannic Majesty's service. The collector of the customs at Key West took possession of these persons, who were afterwards delivered over to the marshal of the Territory of East Florida, by whom they were conveyed to St. Augustine, where they still remain.

Believing that the circumstances under which they have been cast upon the compassion of the country are not embraced by the provisions of the act of Congress of 3d March, 1819, or of the other acts prohibiting the slave trade, I submit to the consideration of Congress the expediency of a supplementary act directing and authorizing such measures as may be necessary for removing them from the territory of the United States and for fulfilling toward them the obligations of humanity.

JOHN QUINCY ADAMS.

WASHINGTON, *May 1, 1828.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 17th ultimo, relating to the removal of the Indian agency from Fort Wayne, in the

State of Indiana, I transmit a report from the Secretary of War, with the documents and information requested by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *May 5, 1828.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 30th ultimo, requesting information concerning any regulation of the Government of Brazil relative to the reduction of certain duties, I transmit herewith a report from the Secretary of State, exhibiting the information received at that Department on the subject.

JOHN QUINCY ADAMS.

WASHINGTON, *May 5, 1828.*

To the Senate of the United States:

I communicate to the Senate, for their consideration and advice, a treaty of commerce and navigation between the United States and His Majesty the King of Prussia, signed on the 1st instant at this place by the Secretary of State and the chargé d'affaires of Prussia residing here. A copy of the treaty is also transmitted.

JOHN QUINCY ADAMS.

WASHINGTON, *May 9, 1828.*

To the House of Representatives of the United States:

The report of the Secretary of War herewith transmitted, with the documents annexed, contains the information requested by a resolution of the 3d of April last, relating to the payments made to the citizens of Georgia under the fourth article of the treaty with the Creek Nation of 8th February, 1821, and to the disallowances of certain claims exhibited under that treaty, and to the reasons for rejecting the same.

JOHN QUINCY ADAMS.

WASHINGTON, *May 12, 1828.*

To the Senate of the United States:

I transmit to the Senate, for their consideration and advice, the articles of a convention concluded at this place on the 6th instant between the Secretary of War and the chiefs and headmen of the Cherokee Nation west of the Mississippi, duly authorized by their nation. A report from the Secretary of War, with certain documents, and a map illustrative of the convention are submitted with it to the Senate.

JOHN QUINCY ADAMS.

WASHINGTON, *May 16, 1828.*

To the Senate and House of Representatives of the United States:

By a communication received from the chargé d'affaires of Prussia, a translation of which is herewith transmitted, it appears that in the ports of that Kingdom all discriminating duties so far as they affected the vessels of the United States and their cargoes have been abolished since the 15th of April, 1826. I recommend to the consideration of Congress a legislative provision whereby the reciprocal application of the same principle may be extended to Prussian vessels and their cargoes which may have arrived in the ports of the United States from and after that day.

JOHN QUINCY ADAMS.

WASHINGTON, *May 19, 1828.*

To the Senate and House of Representatives of the United States:

I transmit to Congress copies of three conventions concluded between the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland, the ratifications of which were exchanged at London on the 2d of last month:

1. A convention concluded 6th August, 1827, for continuing in force the provisions of the convention of 3d July, 1815.

2. A convention concluded 6th August, 1827, for continuing in force the provisions of the third article of the convention of 20th October, 1818.

3. A convention concluded 29th September, 1827, for carrying into effect the provisions of the fifth article of the treaty of Ghent in relation to the northeastern boundary of the United States.

JOHN QUINCY ADAMS.

WASHINGTON, *May 21, 1828.*

To the House of Representatives of the United States:

I transmit to the House a report* from the Secretary of State, with a copy of the note of the minister of the United States to Spain dated 20th January, 1826, requested by a resolution of the House of the 19th instant.

JOHN QUINCY ADAMS.

WASHINGTON, *May 22, 1828.*

To the House of Representatives of the United States:

The inclosed report from the Secretary of State is accompanied by copies of the correspondence between this Government and the minister of His Britannic Majesty residing here relating to the arrest and imprisonment of John Baker,* requested by a recent resolution of the House.

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* Relating to the war between Spain and her colonies.

JOHN QUINCY ADAMS.

WASHINGTON, *May 22, 1828.*

To the Senate and House of Representatives of the United States:

I transmit to Congress copies of a treaty between the United States of America and the Eel River or Thornton party of Miami Indians, concluded on the 11th of February last at the Wyandot village, near the Wabash, and duly ratified on the 7th instant.

JOHN QUINCY ADAMS.

WASHINGTON, *May 23, 1828.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 8th instant, relating to the accounts and official conduct of Thomas A. Smith, receiver of public moneys at Franklin, Mo., I transmit herewith a report from the Secretary of the Treasury, with documents, containing the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *May 23, 1828.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 30th ultimo, I transmit herewith a report from the Secretary of State, with copies of the correspondence † with the Brazilian Government, and shewing the measures taken by the Government of the United States in relation to the several topics noticed in the resolution.

JOHN QUINCY ADAMS.

PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of the Congress of the United States of the 7th of January, 1824, entitled "An act concerning discriminating duties of tonnage and impost," it is provided that upon satisfactory evidence being given to the President of the United States by the government of any foreign nation that no discriminating duties of tonnage or impost are imposed or levied within the ports of the said nation upon vessels belonging wholly to citizens of the United States or upon merchandise the produce or manufacture thereof imported in the same, the President is thereby authorized to issue his proclamation declaring that the foreign discriminating duties of tonnage and impost within the United States are and shall be suspended and discontinued so far as respects the vessels of the said nation and the merchandise of its produce or manufacture imported into the United States in the same, the said suspension to take effect from the time of such notification being given to the President of the United States, and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and merchandise as aforesaid thereon laden shall be continued, and no longer; and

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* By the authorities of the Province of New Brunswick.

† Relating to alleged blockade by the naval forces of Brazil, imprisonment of American citizens by Brazil, etc.

Whereas satisfactory evidence has been received by me from His Britannic Majesty, as King of Hanover, through the Right Honorable Charles Richard Vaughan, his envoy extraordinary and minister plenipotentiary, that vessels wholly belonging to citizens of the United States or merchandise the produce or manufacture thereof imported in such vessels are not nor shall be on their entering any Hanoverian port subject to the payment of higher duties of tonnage or impost than are levied on Hanoverian ships or merchandise the produce or manufacture of the United States imported in such vessels:

Now, therefore, I, John Quincy Adams, President of the United States of America, do hereby declare and proclaim that so much of the several acts imposing duties on the tonnage of ships and vessels and on goods, wares, and merchandise imported into the United States as imposed a discriminating duty of tonnage between the vessels of the Kingdom of Hanover and vessels of the United States and between goods imported into the United States in vessels of the Kingdom of Hanover and vessels of the United States are suspended and discontinued so far as the same respect the produce or manufacture of the said Kingdom of Hanover, the said suspension to take effect this day and to continue henceforward so long as the reciprocal exemption of the vessels of the United States and of the merchandise laden therein as aforesaid shall be continued in the ports of the Kingdom of Hanover.

Given under my hand, at the city of Washington, this 1st day of July, A. D. 1828, and the fifty-second year of the Independence of the United States.

JOHN QUINCY ADAMS.

By the President:

H. CLAY,
Secretary of State.

EXECUTIVE ORDER.

DEPARTMENT OF WAR,
February 28, 1828.

The Secretary of War, by direction of the President of the United States, announces to the Army the painful intelligence of the decease [the 24th of February] of Major-General Brown.

To say that he was one of the men who have rendered most important services to his country would fall far short of the tribute due to his character. Uniting with the most unaffected simplicity the highest degree of personal valor and of intellectual energy, he stands preeminent before the world and for after ages in that band of heroic spirits who upon the ocean and the land formed and sustained during the second war with Great Britain the martial reputation of their country. To this high and honorable purpose General Brown may be truly said to have sacrificed his life, for the disease which abridged his days and has terminated his career at a period scarcely beyond the meridian of manhood undoubtedly originated in the hardships of his campaigns on the Canada frontier, and in that glorious wound which, though desperate, could not remove him from the field of battle till it was won.

Quick to perceive, sagacious to anticipate, prompt to decide, and daring in execution, he was born with the qualities which constitute a great commander. His military *coup d'œil*, his intuitive penetration, his knowledge of men and his capacity to control them were known to all his companions in arms, and commanded their respect; while the gentleness of his disposition, the courtesy of his deportment, his scrupulous regard to their rights, his constant attention to their wants, and his affectionate attachment to their persons universally won their hearts and bound them to him as a father.

Calm and collected in the presence of the enemy, he was withal tender of human life; in the hour of battle more sparing of the blood of the soldier than his own. In the hour of victory the vanquished enemy found in him a humane and compassionate friend. Not one drop of blood shed in wantonness or cruelty sullies the purity of his fame. Defeat he was never called to endure, but in the crisis of difficulty and danger he displayed untiring patience and fortitude not to be overcome.

Such was the great and accomplished captain whose loss the Army has now, in common with their fellow-citizens of all classes, to deplore. While indulging the kindly impulses of nature and yielding the tribute of a tear upon his grave, let it not be permitted to close upon his bright example as it must upon his mortal remains. Let him be more nobly sepulchered in the hearts of his fellow-soldiers, and his imperishable monument be found in their endeavors to emulate his virtues.

The officers of the Army will wear the badge of mourning for six months on the left arm and hilt of the sword. Guns will be fired at each military post at intervals of thirty minutes from the rising to the setting of the sun on the day succeeding the arrival of this order, during which the National flag will be suspended at half-mast.

JAMES BARBOUR.

FOURTH ANNUAL MESSAGE.

WASHINGTON, *December 2, 1828.*

Fellow-Citizens of the Senate and of the House of Representatives:

If the enjoyment in profusion of the bounties of Providence forms a suitable subject of mutual gratulation and grateful acknowledgment, we are admonished at this return of the season when the representatives of the nation are assembled to deliberate upon their concerns to offer up the tribute of fervent and grateful hearts for the never-failing mercies of Him who ruleth over all. He has again favored us with healthful seasons and abundant harvests; He has sustained us in peace with foreign countries and in tranquillity within our borders; He has preserved us in the quiet and undisturbed possession of civil and religious liberty; He has crowned the year with His goodness, imposing on us no other conditions than of improving for our own happiness the blessings bestowed by His hands, and, in the fruition of all His favors, of devoting the faculties with which we have been endowed by Him to His glory and to our own temporal and eternal welfare.

In the relations of our Federal Union with our brethren of the human race the changes which have occurred since the close of your last session have generally tended to the preservation of peace and to the cultivation of harmony. Before your last separation a war had unhappily been kindled between the Empire of Russia, one of those with which our intercourse has been no other than a constant exchange of good offices, and that of the Ottoman Porte, a nation from which geographical distance, religious opinions and maxims of government on their part little suited to the formation of those bonds of mutual benevolence which result from the benefits of commerce had kept us in a state, perhaps too much prolonged, of coldness and alienation. The extensive, fertile, and populous dominions of the Sultan belong rather to the Asiatic than the European division of the human family. They enter but partially into the system of Europe, nor have their wars with Russia and Austria, the European States upon which they border, for more than a century past disturbed the pacific relations of those States with the other great powers of Europe. Neither France nor Prussia nor Great Britain has ever taken part in them, nor is it to be expected that they will at this time.

The declaration of war by Russia has received the approbation or acquiescence of her allies, and we may indulge the hope that its progress and termination will be signalized by the moderation and forbearance no less than by the energy of the Emperor Nicholas, and that it will afford the opportunity for such collateral agency in behalf of the suffering Greeks as will secure to them ultimately the triumph of humanity and of freedom.

The state of our particular relations with France has scarcely varied in the course of the present year. The commercial intercourse between the two countries has continued to increase for the mutual benefit of both. The claims of indemnity to numbers of our fellow-citizens for depredations upon their property, heretofore committed during the revolutionary governments, remain unadjusted, and still form the subject of earnest representation and remonstrance. Recent advices from the minister of the United States at Paris encourage the expectation that the appeal to the justice of the French Government will ere long receive a favorable consideration.

The last friendly expedient has been resorted to for the decision of the controversy with Great Britain relating to the northeastern boundary of the United States. By an agreement with the British Government, carrying into effect the provisions of the fifth article of the treaty of Ghent, and the convention of 29th September, 1827, His Majesty the King of the Netherlands has by common consent been selected as the umpire between the parties. The proposal to him to accept the designation for the performance of this friendly office will be made at an early day, and the United States, relying upon the justice of their cause, will cheerfully commit the arbitrament of it to a prince equally distinguished for the independence of his spirit, his indefatigable assiduity to the duties of his station, and his inflexible personal probity.

Our commercial relations with Great Britain will deserve the serious consideration of Congress and the exercise of a conciliatory and forbearing spirit in the policy of both Governments. The state of them has been materially changed by the act of Congress, passed at their last session, in alteration of the several acts imposing duties on imports, and by acts of more recent date of the British Parliament. The effect of the interdiction of direct trade, commenced by Great Britain and reciprocated by the United States, has been, as was to be foreseen, only to substitute different channels for an exchange of commodities indispensable to the colonies and profitable to a numerous class of our fellow-citizens. The exports, the revenue, the navigation of the United States have suffered no diminution by our exclusion from direct access to the British colonies. The colonies pay more dearly for the necessaries of life which their Government burdens with the charges of double voyages, freight, insurance, and commission, and the profits of our exports are somewhat impaired and more injuriously transferred from one portion of our citizens to another. The resumption of this old and otherwise exploded system of colonial exclusion has not secured to the shipping interest of Great Britain the relief which, at the expense of the distant colonies and of the United States, it was expected to afford. Other measures have been resorted to more pointedly bearing upon the navigation of the United States, and which, unless modified by the construction given to the recent acts of Parliament, will be manifestly incompatible with the positive stipulations of the commercial convention existing between the two countries. That convention, however, may be terminated with twelve months' notice, at the option of either party.

A treaty of amity, navigation, and commerce between the United States and His Majesty the Emperor of Austria, King of Hungary and Bohemia, has been prepared for signature by the Secretary of State and by the Baron de Lederer, intrusted with full powers of the Austrian Government. Independently of the new and friendly relations which may be thus commenced with one of the most eminent and powerful nations of the earth, the occasion has been taken in it, as in other recent treaties concluded by the United States, to extend those principles of liberal intercourse and of fair reciprocity which intertwine with the exchanges of commerce the principles of justice and the feelings of mutual benevolence. This system, first proclaimed to the world in the first commercial treaty ever concluded by the United States—that of 6th February, 1778, with France—has been invariably the cherished policy of our Union. It is by treaties of commerce alone that it can be made ultimately to prevail as the established system of all civilized nations. With this principle our fathers extended the hand of friendship to every nation of the globe, and to this policy our country has ever since adhered. Whatever of regulation in our laws has ever been adopted unfavorable to the interest of any foreign nation has been essentially defensive and counteracting to similar regulations of theirs operating against us.

Immediately after the close of the War of Independence commissioners were appointed by the Congress of the Confederation authorized to conclude treaties with every nation of Europe disposed to adopt them. Before the wars of the French Revolution such treaties had been consummated with the United Netherlands, Sweden, and Prussia. During those wars treaties with Great Britain and Spain had been effected, and those with Prussia and France renewed. In all these some concessions to the liberal principles of intercourse proposed by the United States had been obtained; but as in all the negotiations they came occasionally in collision with previous internal regulations or exclusive and excluding compacts of monopoly with which the other parties had been trammeled, the advances made in them toward the freedom of trade were partial and imperfect. Colonial establishments, chartered companies, and shipbuilding influence pervaded and encumbered the legislation of all the great commercial states; and the United States, in offering free trade and equal privilege to all, were compelled to acquiesce in many exceptions with each of the parties to their treaties, accommodated to their existing laws and anterior engagements.

The colonial system by which this whole hemisphere was bound has fallen into ruins, totally abolished by revolutions converting colonies into independent nations throughout the two American continents, excepting a portion of territory chiefly at the northern extremity of our own, and confined to the remnants of dominion retained by Great Britain over the insular archipelago, geographically the appendages of our part of the globe. With all the rest we have free trade, even with the insular colonies of all the European nations, except Great Britain. Her Government also had manifested approaches to the adoption of a free and liberal intercourse between her colonies and other nations, though by a sudden and scarcely explained revulsion the spirit of exclusion has been revived for operation upon the United States alone.

The conclusion of our last treaty of peace with Great Britain was shortly afterwards followed by a commercial convention, placing the direct intercourse between the two countries upon a footing of more equal reciprocity than had ever before been admitted. The same principle has since been much further extended by treaties with France, Sweden, Denmark, the Hanseatic cities, Prussia, in Europe, and with the Republics of Colombia and of Central America, in this hemisphere. The mutual abolition of discriminating duties and charges upon the navigation and commercial intercourse between the parties is the general maxim which characterizes them all. There is reason to expect that it will at no distant period be adopted by other nations, both of Europe and America, and to hope that by its universal prevalence one of the fruitful sources of wars of commercial competition will be extinguished.

Among the nations upon whose Governments many of our fellow-citizens have had long-pending claims of indemnity for depredations upon their property during a period when the rights of neutral commerce were disregarded was that of Denmark. They were soon after the events occurred the subject of a special mission from the United States, at the close of which the assurance was given by His Danish Majesty that at a period of more tranquillity and of less distress they would be considered, examined, and decided upon in a spirit of determined purpose for the dispensation of justice. I have much pleasure in informing Congress that the fulfillment of this honorable promise is now in progress; that a small portion of the claims has already been settled to the satisfaction of the claimants, and that we have reason to hope that the remainder will shortly be placed in a train of equitable adjustment. This result has always been confidently expected, from the character of personal integrity and of benevolence which the Sovereign of the Danish dominions has through every vicissitude of fortune maintained.

The general aspect of the affairs of our neighboring American nations of the south has been rather of approaching than of settled tranquillity.

Internal disturbances have been more frequent among them than their common friends would have desired. Our intercourse with all has continued to be that of friendship and of mutual good will. Treaties of commerce and of boundaries with the United Mexican States have been negotiated, but, from various successive obstacles, not yet brought to a final conclusion.

The civil war which unfortunately still prevails in the Republics of Central America has been unpropitious to the cultivation of our commercial relations with them; and the dissensions and revolutionary changes in the Republics of Colombia and of Peru have been seen with cordial regret by us, who would gladly contribute to the happiness of both. It is with great satisfaction, however, that we have witnessed the recent conclusion of a peace between the Governments of Buenos Ayres and of Brazil, and it is equally gratifying to observe that indemnity has been obtained for some of the injuries which our fellow-citizens had sustained in the latter of those countries. The rest are in a train of negotiation, which we hope may terminate to mutual satisfaction, and that it may be succeeded by a treaty of commerce and navigation, upon liberal principles, propitious to a great and growing commerce, already important to the interests of our country.

The condition and prospects of the revenue are more favorable than our most sanguine expectations had anticipated. The balance in the Treasury on the 1st of January last, exclusive of the moneys received under the convention of 13th of November, 1826, with Great Britain, was $5,861,972.83. The receipts into the Treasury from the 1st of January to the 30th of September last, so far as they have been ascertained to form the basis of an estimate, amount to $18,633,580.27, which, with the receipts of the present quarter, estimated at $5,461,283.40, form an aggregate of receipts during the year of $24,094,863.67. The expenditures of the year may probably amount to $25,637,111.63, and leave in the Treasury on the 1st of January next the sum of $5,125,638.14.

The receipts of the present year have amounted to near two millions more than was anticipated at the commencement of the last session of Congress.

The amount of duties secured on importations from the 1st of January to the 30th of September was about $22,997,000, and that of the estimated accruing revenue is five millions, forming an aggregate for the year of near twenty-eight millions. This is one million more than the estimate made last December for the accruing revenue of the present year, which, with allowances for drawbacks and contingent deficiencies, was expected to produce an actual revenue of $22,300,000. Had these only been realized the expenditures of the year would have been also proportionally reduced, for of these twenty-four millions received upward of nine millions have been applied to the extinction of public debt, bearing an interest of 6 per cent a year, and of course reducing the burden of interest annually payable in future by the amount of more than half a million. The payments on account of interest during the current year exceed $3,000,000, presenting an aggregate of more than twelve millions applied during the year to the discharge of the public debt, the whole of which remaining due on the 1st of January next will amount only to $58,362,135.78.

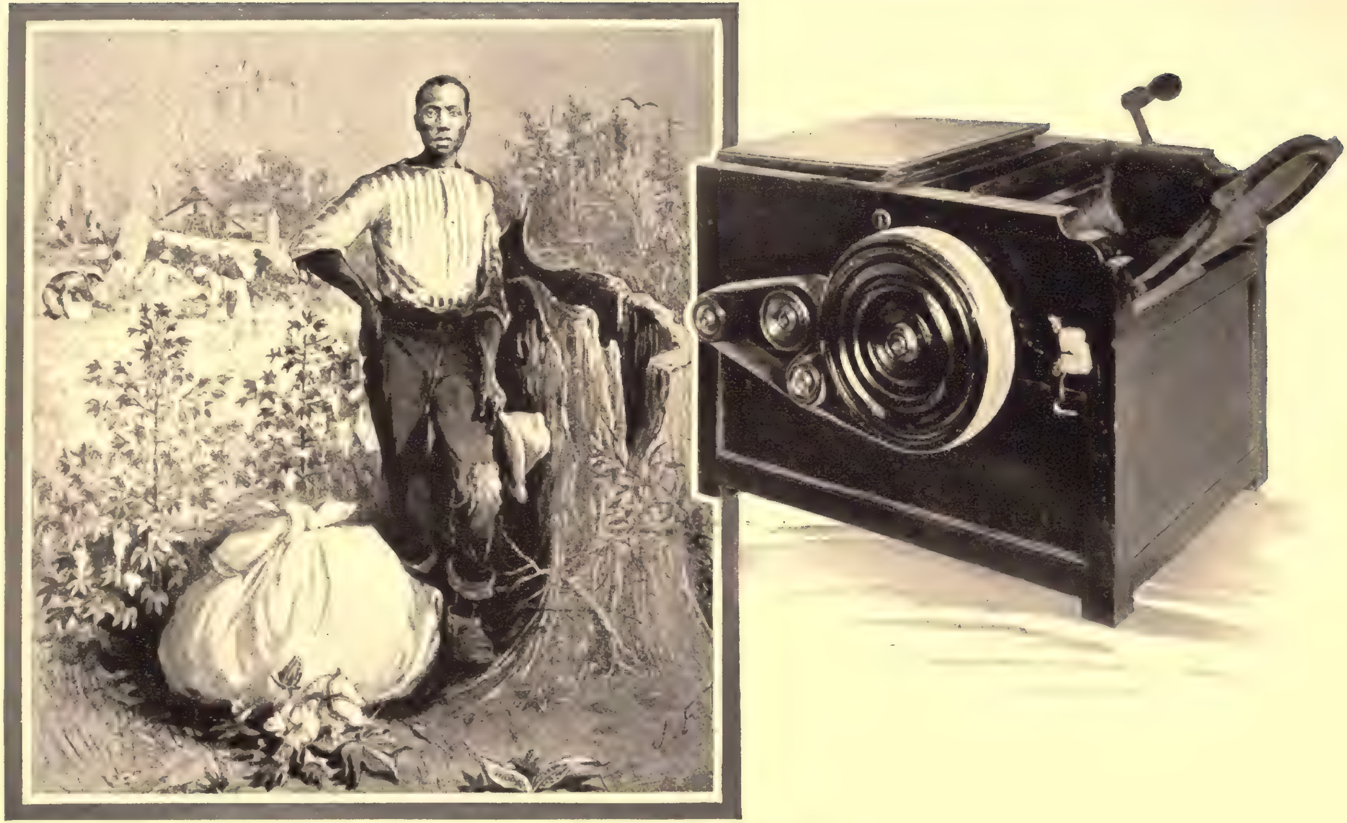
That the revenue of the ensuing year will not fall short of that received in the one now expiring there are indications which can scarcely prove deceptive. In our country an uniform experience of forty years has shown that whatever the tariff of duties upon articles imported from abroad has been, the amount of importations has always borne an average value nearly approaching to that of the exports, though occasionally differing in the balance, sometimes being more and sometimes less. It is, indeed, a general law of prosperous commerce that the real value of exports should by a small, and only a small, balance exceed that of imports, that balance being a permanent addition to the wealth of the nation. The extent of the prosperous commerce of the nation must be regulated by the amount of its exports, and an important addition to the value of these will draw after it a corresponding increase of importations. It has happened in the vicissitudes of the seasons that the harvests of all Europe have in the late summer and autumn fallen short of their usual average. A relaxation of the interdict upon the importation of grain and flour from abroad has ensued, a propitious market has been opened to the granaries of our country, and a new prospect of reward presented to the labors of the husbandman, which for several years has been denied. This accession to the profits of agriculture in the middle and western portions of our Union is accidental and temporary. It may continue only for a single year. It may be, as has been often experienced in the revolutions of time, but the first of several scanty harvests in succession. We may consider it certain that for the approaching year it has added an item of large amount to the value of our exports and that it will produce a corresponding increase of importations. It may therefore confidently be foreseen that the revenue of 1829 will equal and probably exceed that of 1828, and will afford the means of extinguishing ten millions more of the principal of the public debt.

This new element of prosperity to that part of our agricultural industry which is occupied in producing the first article of human subsistence is of the most cheering character to the feelings of patriotism. Proceeding from a cause which humanity will view with concern, the sufferings of scarcity in distant lands, it yields a consolatory reflection that this scarcity is in no respect attributable to us; that it comes from the dispensation of Him who ordains all in wisdom and goodness, and who permits evil itself only as an instrument of good; that, far from contributing to this scarcity, our agency will be applied only to the alleviation of its severity, and that in pouring forth from the abundance of our own garners the supplies which will partially restore plenty to those who are in need we shall ourselves reduce our stores and add to the price of our own bread, so as in some degree to participate in the wants which it will be the good fortune of our country to relieve.

The great interests of an agricultural, commercial, and manufacturing nation are so linked in union together that no permanent cause of prosperity to one of them can operate without extending its influence to the others. All these interests are alike under the protecting power of the legislative authority, and the duties of the representative bodies are to conciliate them in harmony together. So far as the object of taxation is to raise a revenue for discharging the debts and defraying the expenses of the community, its operation should be adapted as much as possible to suit the burden with equal hand upon all in proportion with their ability of bearing it without oppression. But the legislation of one nation is sometimes intentionally made to bear heavily upon the interests of another. That legislation, adapted, as it is meant to be, to the special interests of its own people, will often press most unequally upon the several component interests of its neighbors. Thus the legislation of Great Britain, when, as has recently been avowed, adapted to the depression of a rival nation, will naturally abound with regulations of interdict upon the productions of the soil or industry of the other which come in competition with its own, and will present encouragement, perhaps even bounty, to the raw material of the other State which it can not produce itself, and which is essential for the use of its manufactures, competitors in the markets of the world with those of its commercial rival. Such is the state of the commercial legislation of Great Britain as it bears upon our interests. It excludes with interdicting duties all importation (except in time of approaching famine) of the great staple of productions of our Middle and Western States; it proscribes with equal rigor the bulkier lumber and live stock of the same portion and also of the Northern and Eastern part of our Union. It refuses even the rice of the South unless aggravated with a charge of duty upon the Northern carrier who brings it to them. But the cotton, indispensable for their looms, they will receive almost duty free to weave it into a fabric for our own wear, to the destruction of our own manufactures, which they are enabled thus to undersell.

Is the self-protecting energy of this nation so helpless that there exists in the political institutions of our country no power to counteract the bias of this foreign legislation; that the growers of grain must submit to this exclusion from the foreign markets of their produce; that the shippers must dismantle their ships, the trade of the North stagnate at the wharves, and the manufacturers starve at their looms, while the whole people shall pay tribute to foreign industry to be clad in a foreign garb; that the Congress of the Union are impotent to restore the balance in favor of native industry destroyed by the statutes of another realm? More just and more generous sentiments will, I trust, prevail. If the tariff adopted at the last session of Congress shall be found by experience to bear oppressively upon the interests of any one section of the Union, it ought to be, and I can not doubt will be, so modified as to alleviate its burden. To the voice of just complaint from any portion of their constituents the representatives of the States and of the people will never turn away their ears. But so long as the duty of the foreign shall operate only as a bounty upon the domestic article; while the planter and the merchant and the shepherd and the husbandman shall be found thriving in their occupations under the duties imposed for the protection of domestic manufactures, they will not repine at the prosperity shared with themselves by their fellow-citizens of other professions, nor denounce as violations of the Constitution the deliberate acts of Congress to shield from the wrongs of foreign laws the native industry of the Union. While the tariff of the last session of Congress was a subject of legislative deliberation it was foretold by some of its opposers that one of its necessary consequences would be to impair the revenue. It is yet too soon to pronounce with confidence that this prediction was erroneous. The obstruction of one avenue of trade not unfrequently opens an issue to another. The consequence of the tariff will be to increase the exportation and to diminish the importation of some specific articles; but by the general law of trade the increase of exportation of one article will be followed by an increased importation of others, the duties upon which will supply the deficiencies which the diminished importation would otherwise occasion. The effect of taxation upon revenue can seldom be foreseen with certainty. It must abide the test of experience. As yet no symptoms of diminution are perceptible in the receipts of the Treasury. As yet little addition of cost has even been experienced upon the articles burdened with heavier duties by the last tariff. The domestic manufacturer supplies the same or a kindred article at a diminished price, and the consumer pays the same tribute to the labor of his own countryman which he must otherwise have paid to foreign industry and toil.

The tariff of the last session was in its details not acceptable to the great interests of any portion of the Union, not even to the interest which it was specially intended to subserve. Its object was to balance the burdens upon native industry imposed by the operation of foreign laws, but not to aggravate the burdens of one section of the Union by the relief afforded to another. To the great principle sanctioned by that act—one of those upon which the Constitution itself was formed—I hope and trust the authorities of the Union will adhere. But if any of the duties imposed by the act only relieve the manufacturer by aggravating the burden of the planter, let a careful revisal of its provisions, enlightened by the practical experience of its effects, be directed to retain those which impart protection to native industry and remove or supply the place of those which only alleviate one great national interest by the depression of another.



THE FIRST COTTON GIN

THE COTTON-GIN AND THE SLAVE POWER

"The invention of the cotton-gin in the year 1793 . . . was destined to develop Southern industry and foster slave-labor more effectually than extreme pro-slavery legislation could have done, and to a wider extent than the most earnest abolitionist could have feared. The cotton-plant was indigenous to America, and the climate of the Southern States was peculiarly adapted to its culture. But the great obstacle in the way of cotton production was the excessive labor necessary to clear the cotton fibers from the seed. The complete separation of a pound of fiber was an average day's work; hence the great cost of preparing it for the market limited the growth of cotton to countries like India, where labor is very cheap. Whitney's invention wholly changed these conditions. By the use of his gin, one man was able to separate fifty pounds of cotton from the seed in a day, and in this way the development of a great agricultural industry was made possible. . . .

Cotton fostered slavery; slavery was the cause of the war between the States."

JAMES FORD RHODES.

Cotton production was so limited before the invention of the cotton-gin that in 1793, the year in which the machine was invented, Congress passed a tariff protecting the domestic crop by a tax of three cents per pound on foreign grown cotton. The production of cotton from 1789 to 1860 increased a thousandfold.

The United States of America and the people of every State of which they are composed are each of them sovereign powers. The legislative authority of the whole is exercised by Congress under authority granted them in the common Constitution. The legislative power of each State is exercised by assemblies deriving their authority from the constitution of the State. Each is sovereign within its own province. The distribution of power between them presupposes that these authorities will move in harmony with each other. The members of the State and General Governments are all under oath to support both, and allegiance is due to the one and to the other. The case of a conflict between these two powers has not been supposed, nor has any provision been made for it in our institutions; as a virtuous nation of ancient times existed more than five centuries without a law for the punishment of parricide.

More than once, however, in the progress of our history have the people and the legislatures of one or more States, in moments of excitement, been instigated to this conflict; and the means of effecting this impulse have been allegations that the acts of Congress to be resisted were *unconstitutional*. The people of no one State have ever delegated to their legislature the power of pronouncing an act of Congress unconstitutional, but they have delegated to them powers by the exercise of which the execution of the laws of Congress within the State may be resisted. If we suppose the case of such conflicting legislation sustained by the corresponding executive and judicial authorities, patriotism and philanthropy turn their eyes from the condition in which the parties would be placed, and from that of the people of both, which must be its victims.

The reports from the Secretary of War and the various subordinate offices of the resort of that Department present an exposition of the public administration of affairs connected with them through the course of the current year. The present state of the Army and the distribution of the force of which it is composed will be seen from the report of the Major-General. Several alterations in the disposal of the troops have been found expedient in the course of the year, and the discipline of the Army, though not entirely free from exception, has been generally good.

The attention of Congress is particularly invited to that part of the report of the Secretary of War which concerns the existing system of our relations with the Indian tribes. At the establishment of the Federal Government under the present Constitution of the United States the principle was adopted of considering them as foreign and independent powers and also as proprietors of lands. They were, moreover, considered as savages, whom it was our policy and our duty to use our influence in converting to Christianity and in bringing within the pale of civilization.

As independent powers, we negotiated with them by treaties; as proprietors, we purchased of them all the lands which we could prevail upon them to sell; as brethren of the human race, rude and ignorant, we endeavored to bring them to the knowledge of religion and of letters. The ultimate design was to incorporate in our own institutions that portion of them which could be converted to the state of civilization. In the practice of European States, before our Revolution, they had been considered *as children* to be governed; as tenants at discretion, to be dispossessed as occasion might require; as hunters to be indemnified by trifling concessions for removal from the grounds from which their game was extirpated. In changing the system it would seem as if a full contemplation of the consequences of the change had not been taken. We have been far more successful in the acquisition of their lands than in imparting to them the principles or inspiring them with the spirit of civilization. But in appropriating to ourselves their hunting grounds we have brought upon ourselves the obligation of providing them with subsistence; and when we have had the rare good fortune of teaching them the arts of civilization and the doctrines of Christianity we have unexpectedly found them forming in the midst of ourselves communities claiming to be independent of ours and rivals of sovereignty within the territories of the members of our Union. This state of things requires that a remedy should be provided—a remedy which, while it shall do justice to those unfortunate children of nature, may secure to the members of our confederation their rights of sovereignty and of soil. As the outline of a project to that effect, the views presented in the report of the Secretary of War are recommended to the consideration of Congress.

The report from the Engineer Department presents a comprehensive view of the progress which has been made in the great systems promotive of the public interest, commenced and organized under authority of Congress, and the effects of which have already contributed to the security, as they will hereafter largely contribute to the honor and dignity, of the nation.

The first of these great systems is that of fortifications, commenced immediately after the close of our last war, under the salutary experience which the events of that war had impressed upon our countrymen of its necessity. Introduced under the auspices of my immediate predecessor, it has been continued with the persevering and liberal encouragement of the Legislature, and, combined with corresponding exertions for the gradual increase and improvement of the Navy, prepares for our extensive country a condition of defense adapted to any critical emergency which the varying course of events may bring forth. Our advances in these concerted systems have for the last ten years been steady and progressive, and in a few years more will be so completed as to leave no cause for apprehension that our seacoast will ever again offer a theater of hostile invasion.

The next of these cardinal measures of policy is the preliminary to great and lasting works of public improvement in the surveys of roads, examination for the course of canals, and labors for the removal of the obstructions of rivers and harbors, first commenced by the act of Congress of 30th of April, 1824.

The report exhibits in one table the funds appropriated at the last and preceding sessions of Congress for all these fortifications, surveys, and works of public improvement, the manner in which these funds have been applied, the amount expended upon the several works under construction, and the further sums which may be necessary to complete them; in a second, the works projected by the Board of Engineers which have not been commenced, and the estimate of their cost; in a third, the report of the annual Board of Visitors at the Military Academy at West Point.

For thirteen fortifications erecting on various points of our Atlantic coast, from Rhode Island to Louisiana, the aggregate expenditure of the year has fallen little short of $1,000,000. For the preparation of five additional reports of reconnoissances and surveys since the last session of Congress, for the civil constructions upon thirty-seven different public works commenced, eight others for which specific appropriations have been made by acts of Congress, and twenty other incipient surveys under the authority given by the act of 30th April, 1824, about one million more of dollars has been drawn from the Treasury.

To these $2,000,000 is to be added the appropriation of $250,000 to commence the erection of a breakwater near the mouth of the Delaware River, the subscriptions to the Delaware and Chesapeake, the Louisville and Portland, the Dismal Swamp, and the Chesapeake and Ohio canals, the large donations of lands to the States of Ohio, Indiana, Illinois, and Alabama for objects of improvements within those States, and the sums appropriated for light-houses, buoys, and piers on the coast; and a full view will be taken of the munificence of the nation in the application of its resources to the improvement of its own condition.

Of these great national undertakings the Academy at West Point is among the most important in itself and the most comprehensive in its consequences. In that institution a part of the revenue of the nation is applied to defray the expense of educating a competent portion of her youth chiefly to the knowledge and the duties of military life. It is the living armory of the nation. While the other works of improvement enumerated in the reports now presented to the attention of Congress are destined to ameliorate the face of nature, to multiply the facilities of communication between the different parts of the Union, to assist the labors, increase the comforts, and enhance the enjoyments of individuals, the instruction acquired at West Point enlarges the dominion and expands the capacities of the mind. Its beneficial results are already experienced in the composition of the Army, and their influence is felt in the intellectual progress of society. The institution is susceptible still of great improvement from benefactions proposed by several successive Boards of Visitors, to whose earnest and repeated recommendations I cheerfully add my own.

With the usual annual reports from the Secretary of the Navy and the Board of Commissioners will be exhibited to the view of Congress the execution of the laws relating to that department of the public service. The repression of piracy in the West Indian and in the Grecian seas has been effectually maintained, with scarcely any exception. During the war between the Governments of Buenos Ayres and of Brazil frequent collisions between the belligerent acts of power and the rights of neutral commerce occurred. Licentious blockades, irregularly enlisted or impressed seamen, and the property of honest commerce seized with violence, and even plundered under legal pretenses, are disorders never separable from the conflicts of war upon the ocean. With a portion of them the correspondence of our commanders on the eastern aspect of the South American coast and among the islands of Greece discover how far we have been involved. In these the honor of our country and the rights of our citizens have been asserted and vindicated. The appearance of new squadrons in the Mediterranean and the blockade of the Dardanelles indicate the danger of other obstacles to the freedom of commerce and the necessity of keeping our naval force in those seas. To the suggestions repeated in the report of the Secretary of the Navy, and tending to the permanent improvement of this institution, I invite the favorable consideration of Congress.

A resolution of the House of Representatives requesting that one of our small public vessels should be sent to the Pacific Ocean and South Sea to examine the coasts, islands, harbors, shoals, and reefs in those seas, and to ascertain their true situation and description, has been put in a train of execution. The vessel is nearly ready to depart. The successful accomplishment of the expedition may be greatly facilitated by suitable legislative provisions, and particularly by an appropriation to defray its necessary expense. The addition of a second, and perhaps a third, vessel, with a slight aggravation of the cost, would contribute much to the safety of the citizens embarked on this undertaking, the results of which may be of the deepest interest to our country.

With the report of the Secretary of the Navy will be submitted, in conformity to the act of Congress of 3d March, 1827, for the gradual improvement of the Navy of the United States, statements of the expenditures under that act and of the measures taken for carrying the same into effect. Every section of that statute contains a distinct provision looking to the great object of the whole—the gradual improvement of the Navy. Under its salutary sanction stores of ship timber have been procured and are in process of seasoning and preservation for the future uses of the Navy. Arrangements have been made for the preservation of the live-oak timber growing on the lands of the United States, and for its reproduction, to supply at future and distant days the waste of that most valuable material for shipbuilding by the great consumption of it yearly for the commercial as well as for the military marine of our country. The construction of the two dry docks at Charlestown and at Norfolk is making satisfactory progress toward a durable establishment. The examinations and inquiries to ascertain the practicability and expediency of a marine railway at Pensacola, though not yet accomplished, have been postponed but to be more effectually made. The navy-yards of the United States have been examined, and plans for their improvement and the preservation of the public property therein at Portsmouth, Charlestown, Philadelphia, Washington, and Gosport, and to which two others are to be added, have been prepared and received my sanction; and no other portion of my public duties has been performed with a more intimate conviction of its importance to the future welfare and security of the Union.

With the report from the Postmaster-General is exhibited a comparative view of the gradual increase of that establishment, from five to five years, since 1792 till this time in the number of post-offices, which has grown from less than 200 to nearly 8,000; in the revenue yielded by them, which from $67,000 has swollen to upward of a million and a half, and in the number of miles of post-roads, which from 5,642 have multiplied to 114,536. While in the same period of time the population of the Union has about thrice doubled, the rate of increase of these offices is nearly 40, and of the revenue and of traveled miles from 20 to 25 for 1. The increase of revenue within the last five years has been nearly equal to the whole revenue of the Department in 1812.

The expenditures of the Department during the year which ended on the 1st of July last have exceeded the receipts by a sum of about $25,000. The excess has been occasioned by the increase of mail conveyances and facilities to the extent of near 800,000 miles. It has been supplied by collections from the postmasters of the arrearages of preceding years. While the correct principle seems to be that the income levied by the Department should defray all its expenses, it has never been the policy of this Government to raise from this establishment any revenue to be applied to any other purposes. The suggestion of the Postmaster-General that the insurance of the safe transmission of moneys by the mail might be assumed by the Department for a moderate and competent remuneration will deserve the consideration of Congress.

A report from the commissioner of the public buildings in this city exhibits the expenditures upon them in the course of the current year. It will be seen that the humane and benevolent intentions of Congress in providing, by the act of 20th May, 1826, for the erection of a penitentiary in this District have been accomplished. The authority of further legislation is now required for the removal to this tenement of the offenders against the laws sentenced to atone by personal confinement for their crimes, and to provide a code for their employment and government while thus confined.

The commissioners appointed, conformably to the act of 2d March, 1827, to provide for the adjustment of claims of persons entitled to indemnification under the first article of the treaty of Ghent, and for the distribution among such claimants of the sum paid by the Government of Great Britain under the convention of 13th of November, 1826, closed their labors on the 30th of August last by awarding to the claimants the sum of $1,197,422.18, leaving a balance of $7,537.82, which was distributed ratably amongst all the claimants to whom awards had been made, according to the directions of the act.

The exhibits appended to the report from the Commissioner of the General Land Office present the actual condition of that common property of the Union. The amount paid into the Treasury from the proceeds of lands during the year 1827 and the first half of 1828 falls little short of $2,000,000. The propriety of further extending the time for the extinguishment of the debt due to the United States by the purchasers of the public lands, limited by the act of 21st March last to the 4th of July next, will claim the consideration of Congress, to whose vigilance and careful attention the regulation, disposal, and preservation of this great national inheritance has by the people of the United States been intrusted.

Among the important subjects to which the attention of the present Congress has already been invited, and which may occupy their further and deliberate discussion, will be the provision to be made for taking the fifth census or enumeration of the inhabitants of the United States. The Constitution of the United States requires that this enumeration should be made within every term of ten years, and the date from which the last enumeration commenced was the first Monday of August of the year 1820. The laws under which the former enumerations were taken were enacted at the session of Congress immediately preceding the operation; but considerable inconveniences were experienced from the delay of legislation to so late a period. That law, like those of the preceding enumerations, directed that the census should be taken by the marshals of the several districts and Territories of the Union under instructions from the Secretary of State. The preparation and transmission to the marshals of those instructions required more time than was then allowed between the passage of the law and the day when the enumeration was to commence. The term of six months limited for the returns of the marshals was also found even then too short, and must be more so now, when an additional population of at least 3,000,000 must be presented upon the returns. As they are to be made at the short session of Congress, it would, as well as from other considerations, be more convenient to commence the enumeration from an earlier period of the year than the 1st of August. The most favorable season would be the spring. On a review of the former enumerations it will be found that the plan for taking every census has contained many improvements upon that of its predecessor. The last is still susceptible of much improvement. The

Third Census was the first at which any account was taken of the manufactures of the country. It was repeated at the last enumeration, but the returns in both cases were necessarily very imperfect. They must always be so, resting, of course, only upon the communications voluntarily made by individuals interested in some of the manufacturing establishments. Yet they contained much valuable information, and may by some supplementary provision of the law be rendered more effective. The columns of age, commencing from infancy, have hitherto been confined to a few periods, all under the number of 45 years. Important knowledge would be obtained by extending these columns, in intervals of ten years, to the utmost boundaries of human life. The labor of taking them would be a trifling addition to that already prescribed, and the result would exhibit comparative tables of longevity highly interesting to the country. I deem it my duty further to observe that much of the imperfections in the returns of the last and perhaps of preceding enumerations proceeded from the inadequateness of the compensations allowed to the marshals and their assistants in taking them.

In closing this communication it only remains for me to assure the Legislature of my continued earnest wish for the adoption of measures recommended by me heretofore and yet to be acted on by them, and of the cordial concurrence on my part in every constitutional provision which may receive their sanction during the session tending to the general welfare.

JOHN QUINCY ADAMS.

SPECIAL MESSAGES.

WASHINGTON, *December 8, 1828.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 2d of April last, I transmit a copy of the letter from the Cherokee Council to Colonel Hugh Montgomery, the agent, requested by the resolution, with a report* from the Secretary of War.

JOHN QUINCY ADAMS.

WASHINGTON, *December 8, 1828.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 23d of May last, I transmit a report from the Secretary of War, with documents, containing the information requested, relating to the harbors, roads, and other works of internal improvements undertaken and projected since the 30th April, 1824.

JOHN QUINCY ADAMS.

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* Relating to a survey for a canal through the Cherokee country.

WASHINGTON, *December 8, 1828.*

To the Senate of the United States:

I communicate to the Senate, for their advice with regard to its ratification, a treaty made and concluded at the missionary establishment upon the St. Joseph of Lake Michigan the 20th day of September last, between Lewis Cass and Pierre Menard, commissioners of the United States, and the Potawatamie tribe of Indians, the journal and report of the commissioners accompanying the treaty.

JOHN QUINCY ADAMS.

WASHINGTON, *December 8, 1828.*

To the Senate of the United States:

I transmit to the Senate a report from the Secretary of War, with documents, prepared in compliance with their resolution of the 26th of May last, concerning the practicability and probable cost of constructing an artificial harbor, commonly called a "breakwater," at or near the mouth of the Mississippi.

JOHN QUINCY ADAMS.

WASHINGTON, *December 9, 1828.*

To the Senate of the United States:

The inclosed report from the Secretary of State and subjoined documents are transmitted to the Senate in compliance with their resolution of 25th April last, requesting information concerning the number of free taxable inhabitants *who are not freeholders* in certain States and Territories of the Union.

JOHN QUINCY ADAMS.

WASHINGTON, *December 15, 1828.*

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 8th instant, referring to a negotiation of the British Government, by virtue of a resolution of the House of the 10th of May last, relative to the surrender of fugitive slaves, I transmit herewith a report from the Secretary of State, with copies of instructions and correspondence, containing the desired information.

JOHN QUINCY ADAMS.

WASHINGTON, *December 15, 1828.*

To the Senate of the United States:

I transmit to the Senate, for their constitutional advice, an additional article, signed on the 4th day of June last, to the convention of friendship, commerce, and navigation between the United States and the Hanseatic

Republics of Lubeck, Bremen, and Hamburg concluded at this place on the 20th December, 1827. A copy of the article is likewise inclosed.

JOHN QUINCY ADAMS.

WASHINGTON, *December 16, 1828.*

To the Senate of the United States:

I transmit to the Senate, for their advice, articles of agreement concluded at Green Bay, in the Territory of Michigan, on the 20th of August last, between Lewis Cass and Pierre Menard, commissioners on the part of the United States, and the chiefs of the Winnebago tribe and of the united tribes of the Potawatamies, Chippewas, and Ottawas, being a temporary arrangement concerning the occupation of a certain portion of the mining country which has not heretofore been ceded to the United States.

JOHN QUINCY ADAMS.

WASHINGTON, *December 22, 1828.*

To the House of Representatives of the United States:

I transmit to the House of Representatives a report from the Secretary of War, with documents, reported in compliance with the resolution of the House of the 10th instant, requesting a copy of the instructions given for the government of the agent of the United States superintendent of the lead mines in Missouri and Illinois.

Also a report from the Secretary of War, in compliance with the resolution of the House of the 15th instant, setting forth the reasons upon which it has not been deemed expedient to nominate commissioners to hold a treaty with the Choctaw Nation of Indians for the purchase of a certain tract of land, as authorized by the act of Congress of the 24th of May last.

JOHN QUINCY ADAMS.

WASHINGTON, *January 1, 1829.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 18th ultimo, I communicate to the House a report from the Secretary of War, containing the information required in relation to the intended frauds upon the revenue, which has rendered expedient the stationing additional troops on the Niagara frontier. The other evidence embraced by the resolution, and in possession of the Government, does not, in my judgment, at present render any further employment of a regular armed force for the enforcement of the revenue laws necessary.

JOHN QUINCY ADAMS.

WASHINGTON, *January 7, 1829.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 19th May last, requesting a copy of the correspondence between the minister of the United States at the Court of Madrid and the Government of Spain on the subject of claims of citizens of the United States against the said Government, I transmit herewith a report from the Secretary of State, with the correspondence desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *January 14, 1829.*

To the Senate of the United States:

I transmit herewith to the Senate a report from the Secretary of State, with supplemental returns of free taxable inhabitants not freeholders in certain States and Territories of the United States, which returns have been received since my message to the Senate of the 9th December last.

JOHN QUINCY ADAMS.

WASHINGTON, *January 17, 1829.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 13th instant, I transmit herewith a report* from the Secretary of War, with an application from the Creek Indians, through the agent of the United States, and an opinion of counsel in behalf of the Indians, having relation to the subject of the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *January 21, 1829.*

To the House of Representatives of the United States:

In compliance with two resolutions of the House of Representatives of the 5th instant, requesting information received not heretofore communicated in relation to the arrest and trial in the British Province of New Brunswick of John Baker, a citizen of the United States, and the correspondence between the Government of the United States and that of Great Britain in relation to the said arrest and to the usurpation of jurisdiction by the British government of New Brunswick within the limits of the State of Maine, I transmit a report from the Secretary of State, with the information and correspondence requested by the House.

JOHN QUINCY ADAMS.

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* Relating to claims of Georgia and the Creek Indians under the treaty of 1821, held at Indian Springs.

WASHINGTON, *January 21, 1829.*

To the Senate and House of Representatives of the United States:

I transmit to Congress copies of two treaties with Indian tribes, which have been ratified:

1. Articles of agreement between the United States of America and the Winnebago tribe and the united tribes of Potawatamie, Chippeway, and Ottawa Indians, concluded at Green Bay 25th August, 1828.

2. Treaty between the United States of America and the Potawatamie tribe of Indians, concluded at the missionary establishment upon the St. Joseph of Lake Michigan 20th September, 1828.

Both by Lewis Cass and Pierre Menard, commissioners on the part of the United States, with certain chiefs and warriors of the respective tribes.

JOHN QUINCY ADAMS.

WASHINGTON, *January 26, 1829.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 17th instant, requesting copies of the instructions to the commissioners of the United States who made the treaty at the Indian Springs in 1821, I transmit to the House a report from the Secretary of War of the 22d instant, with copies of those instructions.

And in compliance with a resolution of the House of the 20th instant, requesting a communication of the journal of the above-mentioned commissioners, I transmit a report from the Secretary of War of the 24th instant, with copies of the papers, which it is believed will supply the information desired by the resolution, no regular journal having been transmitted by the commissioners to the Department.

JOHN QUINCY ADAMS.

WASHINGTON, *January 26, 1829.*

To the House of Representatives of the United States:

I transmit herewith a report from the Secretary of State, with voluminous documents prepared and collected in compliance with a resolution of the House of Representatives of the 13th January, 1825, calling for a statement of convictions, executions, and pardons for capital offenses under the authority of the Government of the United States since the adoption of the Constitution.

JOHN QUINCY ADAMS.

WASHINGTON, *January 26, 1829.*

To the Senate and House of Representatives of the United States:

I transmit to Congress copies of a convention of friendship, commerce, and navigation between the United States and the free Hanseatic Republics of Lubeck, Bremen, and Hamburg, the ratifications of which were exchanged at this place on the 2d day of June last; and also of an additional article to the same convention, signed on the 4th day of June last, and the ratifications of which were exchanged at this city on the 14th of the present month.

JOHN QUINCY ADAMS.

WASHINGTON, *January 29, 1829*.

The PRESIDENT OF THE SENATE OF THE UNITED STATES.

SIR: I transmit herewith a letter which I have received from Mr. David, member of the Institute of France, professor of the School of Painting at Paris, and member of the Legion of Honor, the artist who presents to Congress the bust of General Lafayette which has been received with it; and I have to request the favor that after it has been communicated to the Senate it may be transmitted to the Speaker of the House of Representatives for similar communication to that body.

JOHN QUINCY ADAMS.

WASHINGTON, *January 29, 1829*.

To the Senate of the United States:

I nominate Stephen Clin, of Georgia, to be secretary of the legation of the United States at the Court of Great Britain.

Jesse H. Willis, of Florida, to be collector of the customs for the recently established district of St. Marks and inspector of the revenue for the port of Magnolia, in Florida.

And I nominate for reappointment Callender Irvine, of Pennsylvania, to be Commissary-General of Purchases. It is proper to apprise the Senate that this office is one of those which by the act of Congress of 15th May, 1820, is limited to the term of four years; that it was held by Mr. Irvine at the time of the passage of that act, but that by some inadvertence he has not hitherto been nominated for reappointment. The fact having but just now been ascertained by me, I deem it my duty to make the nomination. Mr. Irvine has hitherto performed the duties of the office under his original appointment.

JOHN QUINCY ADAMS.

WASHINGTON, *January 30, 1829*.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 13th instant, requesting information of the measures taken in execution of the act of 9th May last, making an appropriation for carrying into effect the articles of agreement and cession of 24th April, 1802, between the State of Georgia and the United States, and also in execution of certain provisions of the treaty of May last with the Cherokee Indians, I transmit to the House a report from the Secretary of War, with documents, comprising the desired information.

JOHN QUINCY ADAMS.

WASHINGTON, *February 2, 1829.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 20th ultimo, requesting information received since the last session of Congress from the Mexican Government respecting the recovery of debts in that country due to American citizens, I transmit a report from the Secretary of State, with copies of a letter of instructions to the minister of the United States in Mexico, and of his answer, relating to the subject of the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *February 6, 1829.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 9th of December last, requesting a detailed statement of the amount expended by the Federal Government upon works of internal improvement within the limits of the several States, with an estimate of the amount necessary to complete any work begun and not yet completed, I transmit herewith reports from the Secretaries of the Treasury and of War, with documents, containing the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *February 6, 1829.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 4th instant, I transmit herewith a report from the Secretary of War, with that of the commissioner appointed to locate the national road from Zanesville, in Ohio, to the seat of government of the State of Missouri.

JOHN QUINCY ADAMS.

WASHINGTON, *February 11, 1829.*

To the Senate and House of Representatives of the United States:

By the act of Congress of the 23d of May last, "supplementary to the several acts providing for the settlement and confirmation of private land claims in Florida," provision was made for the final adjudication of such claims by the judges of the superior courts of the districts wherein the lands claimed respectively lie, and by appeal from them to the Supreme Court of the United States; and the attorneys of the United States in the several districts were charged with the duty, in every case where the decision should be against the United States by the judge of the superior court of the district, to make out and transmit to the Attorney-General of the United States a statement containing the facts of the case and the points of law on which the same was decided, and it was made the duty of the Attorney-General in most of those cases to direct an appeal to be made to the Supreme Court of the United States and to appear for the United States and prosecute such appeals. By the same act the President of the United States was authorized to appoint a law agent to superintend the interests of the United States in the premises, and to employ assistant counsel if in his opinion the public interest should require the same.

In the process of carrying into execution this law it was the opinion of the Attorney-General of the United States that a translated complete collection of all the Spanish and French ordinances, etc., affecting the land titles in Florida and the other territories heretofore belonging to France and Spain, would be indispensable to a just decision of those claims by the Supreme Court. At his suggestion the task of preparing this compilation was undertaken by Joseph M. White, of Florida, who was employed as assistant counsel in behalf of the United States. The collection has accordingly been made and is deposited in manuscript at the Department of State, subject to such order as Congress may see fit to take concerning it. The letter from Mr. White to the Secretary of State, with a descriptive list of the documents collected and thus deposited, is herewith transmitted to Congress.

JOHN QUINCY ADAMS.

WASHINGTON, *February 16, 1829.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 5th instant, requesting detailed statements of the expenses incurred and of those which may be necessary for the expedition proposed for exploring the Pacific Ocean and South Seas, and also of the several amounts transferred from the different heads of appropriation for the support of the Navy to this object and the authority by which such transfers have been made, I transmit herewith a report from the Secretary of the Navy, with documents, from which the Senate will perceive that no such transfer has been made, and which contain the other information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *February 20, 1829.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 10th instant, requesting copies of correspondence and communications from 20th October, 1816, to 24th November, 1817, received at the Department of State from the American commissioner under the fourth article of the treaty of Ghent, I transmit herewith a report from the Secretary of State, with the copies of papers mentioned in the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *February 20, 1829.*

To the Senate of the United States:

I transmit to the Senate a report from the Secretary of the Treasury, with documents, prepared in pursuance of their resolution of the 31st of December last, and showing the amount of expenses incurred in the survey, sale, and management of the public lands for the year 1827.

JOHN QUINCY ADAMS.

WASHINGTON, *February 25, 1829.*

To the Senate and House of Representatives of the United States:

By the act of Congress of the 3d March, 1826, for the survey of a route for a canal between the Atlantic and the Gulf of Mexico, the President of the United States was authorized to cause to be made an accurate and minute examination of the country south of the St. Marys River, and including the same, with a view to ascertain the most eligible route for a canal admitting the transit of boats to connect the Atlantic with the Gulf of Mexico, and also with a view to ascertain the practicability of a ship channel; that he cause particularly to be examined the route to the Appalachicola River or Bay, with a view to both the above objects; that he cause the necessary surveys, both by land and along the coast, with estimates of the expense of each, accompanied with proper plans, notes, observations, explanations, and opinions of the Board of Engineers, and that he cause a full report of these proceedings to be made to Congress.

In execution of this law I transmit herewith a report from the Secretary of War, with a copy of that of the Board of Engineers, upon this great and most desirable national work. The time not having allowed a copy to be taken of the map, one copy only of the whole report is transmitted to the Senate, with the request that it may be communicated to the House of Representatives, and that the map may be ultimately returned to the Department of War.

JOHN QUINCY ADAMS.

WASHINGTON, *February 26, 1829.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 20th instant, I transmit herewith a report from the Secretary of War, with the inspection reports of Brevet Major-General Gaines for the years 1826 and 1827, relating to the organization of the Army and militia of the United States, with the request that the original documents may be returned to the Department of War at the convenience of the Senate.

JOHN QUINCY ADAMS.

WASHINGTON, *February 26, 1829.*

To the Senate of the United States:

I transmit herewith to the Senate, for their constitutional advice with regard to its ratification, a treaty of amity, commerce, and navigation between the United States and His Majesty the Emperor of Brazil, signed by the plenipotentiaries of the respective Governments at Rio de Janeiro on the 12th day of December last. A copy of the treaty is likewise inclosed, with copies of the instructions under which it was negotiated and a letter from Mr. Tudor elucidating some of its provisions. It is requested that at the convenience of the Senate the original papers may be returned to the Department of State.

JOHN QUINCY ADAMS.

WASHINGTON, *February 28, 1829.*

To the Senate and House of Representatives of the United States:

I transmit to Congress copies of two Indian treaties, which have been duly ratified:

1. A treaty with the Chippewa, Menominie, and Winnebago Indians, concluded on the 11th of August, 1827, at the Butte des Morts, on Fox River, in the Territory of Michigan, between Lewis Cass and Thomas L. McKenney, commissioners on the part of the United States, and certain chiefs and warriors of the said tribes on their part.

2. A treaty with the Potawatamie tribe of Indians, concluded the 19th of September, 1827, at St. Joseph, in the Territory of Michigan, between Lewis Cass, commissioner on the part of the United States, and the chiefs and warriors of the said tribes, on their part.

JOHN QUINCY ADAMS.

WASHINGTON, *February 28, 1829.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 21st instant, requesting any information in my possession as to the practical operation of the recent act of the British Parliament entitled "The customs amendment act," purporting a discrimination of duties upon the importation of cotton from the British North American colonies and showing how far this discrimination may affect existing treaties, I transmit herewith a report from the Secretary of State, with copies of the instructions and correspondence of the minister of the United States at London, containing the information requested.

JOHN QUINCY ADAMS.

WASHINGTON, *March 3, 1829.*

To the Senate and House of Representatives of the United States:

I transmit herewith to Congress a copy of the instructions prepared by the Secretary of State and furnished to the ministers of the United States appointed to attend at the assembly of American plenipotentiaries first held at Panama and thence transferred to Tacubaya. The occasion upon which they were given has passed away, and there is no present probability of the renewal of the negotiations; but the purposes for which they were intended are still of the deepest interest to our country and to the world, and may hereafter call again for the active efforts and beneficent energies of the Government of the United States. The motives for withholding them from general publication having ceased, justice to the Government from which they emanated and to the people for whose benefit it was instituted requires that they should be made known. With this view, and from the consideration that the subjects embraced by these instructions must probably engage hereafter the deliberations of our successors, I deem it proper to make this communication to both Houses of Congress. One copy only of the instructions being prepared, I send it to the Senate, requesting that it may be transmitted also to the House of Representatives.

JOHN QUINCY ADAMS.

PROCLAMATION.

[From Senate Journal, Twentieth Congress, second session, p. 196.]

WASHINGTON, *January 12, 1829.*

The President of the United States to ——, Senator for the State of ——:

Certain matters touching the public good requiring that the Senate of the United States should be convened on Wednesday, the 4th day of March next, you are desired to attend at the Senate Chamber, in the city of Washington, on that day, then and there to receive and deliberate on such communications as shall be made to you.

JOHN QUINCY ADAMS.

QUESTIONS.

1. When was the first Mexican treaty submitted for ratification? Page 939.

2. What were the fundamental principles upon which the treaties with South American Republics were based? Page 868.

3. What means were taken to secure the assent of other American Republics to the Monroe Doctrine? Page 900.

4. What important surveys were made by army engineers? Page 954.

5. Upon what terms were public lands originally sold, and why was relief to purchasers granted by Congress? Page 957.

6. In what way did the President first advocate public encouragement of scientific studies? Page 879.

7. What are our national obligations with regard to contributing to the world's stock of knowledge? Page 878.

8. What trading rights were secured with Colombia by reason of a treaty between that country and Great Britain? Page 908.

9. What general principle underlies all our commercial treaties with foreign countries? Page 975.

10. What effect had the exclusion of our trade from British Colonies upon our commerce and upon theirs? Page 949, 974.

11. What selfish trade policy was adhered to by Great Britain after it had been abandoned by all other leading nations? Pages 921, 941, 976.

12. What precedent was cited for paying interest to States for money borrowed to put militia in the field? Page 894.

13. What census first took account of the manufacturers of the country? Page 987.

SUGGESTIONS.

The messages of John Quincy Adams reflect his rare scholarship. His messages are stately and constructive, and by reading them a clear view of the history of the comparative peace era is gathered.

During his administration, the Cotton Gin was invented, (opposite page 979); the Erie Canal was opened, (opposite page 935).

Read the President's discussion of the tariff. Page 799.

Read the President's recommendation for the construction of the astronomical observatory. Page 879. (See also Astronomical Observatory, Encyclopedic Index.)

Read John Quincy Adams' Foreign Policy. Pages 862, 868, 884, 895, 903, 922.

NOTE.

For further suggestion on John Quincy Adams' administration, see Adams, John Quincy, Encyclopedic Index.

By reading the Foreign Policy of each President, and by scanning the messages as to the state of the nation, a thorough knowledge of the history of the United States will be acquired from the most authentic sources; because, as has been said, "Each President reviews the past, depicts the present and forecasts the future of the nation."

Andrew Jackson

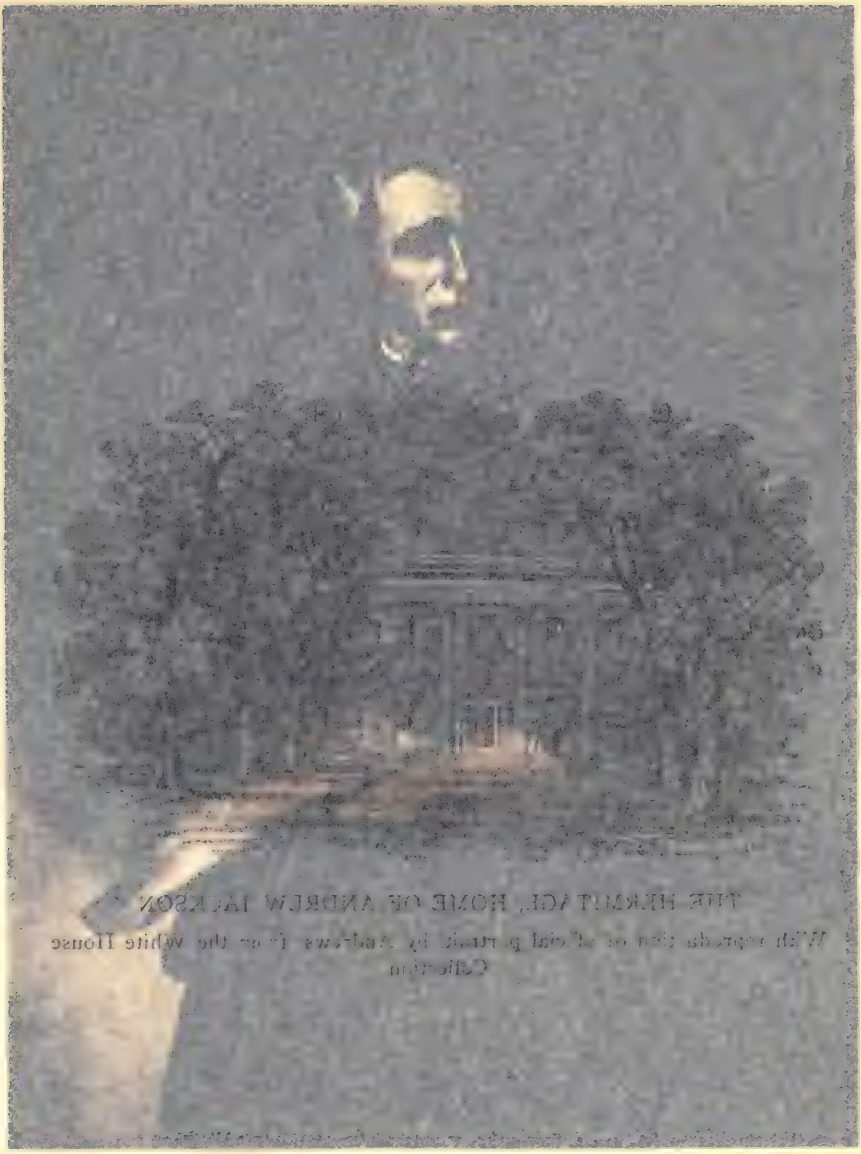
March 4, 1829, to March 4, 1833

SEE ENCYCLOPEDIC INDEX.

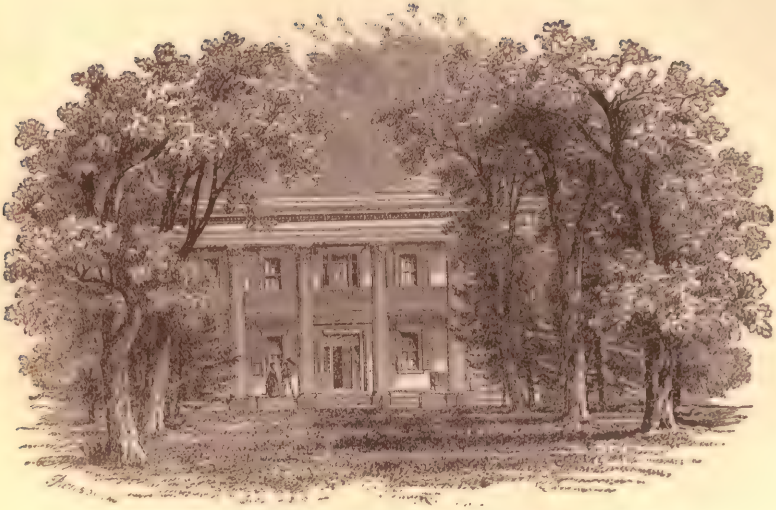
The Encyclopedic Index is not only an index to the other volumes, not only a key that unlocks the treasures of the entire publication, but it is in itself an alphabetically arranged brief history or story of the great controlling events constituting the History of the United States.

Under its proper alphabetical classification the story is told of every great subject referred to by any of the Presidents in their official Messages, and at the end of each article the official utterances of the Presidents themselves are cited upon the subject, so that you may readily turn to the page in the body of the work itself for this original information.

Next to the possession of knowledge is the ability to turn at will to where knowledge is to be found.

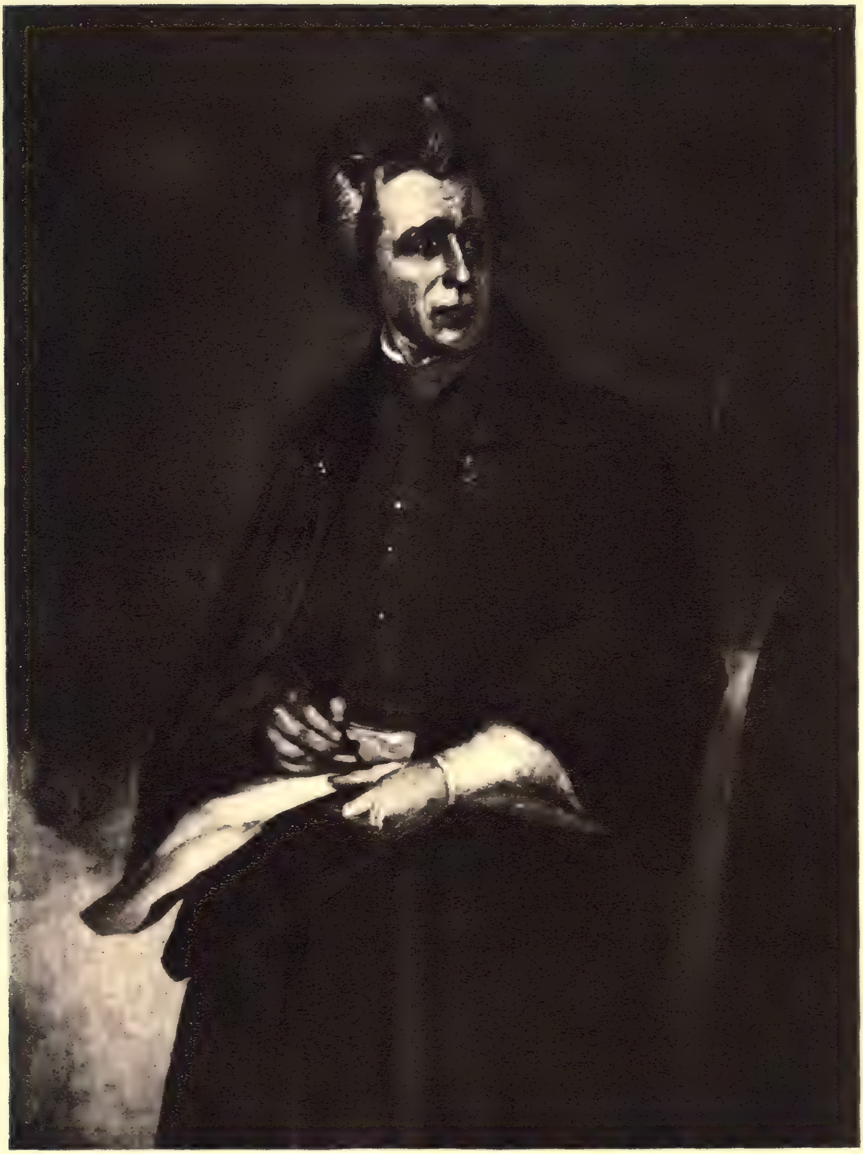


Andrew Jackson



THE HERMITAGE, HOME OF ANDREW JACKSON

With reproduction of official portrait, by Andrews, from the White House Collection



Andrew Jackson

JACKSON

There are many things for which Jackson will be remembered by future generations. I should be inclined to say, however, that his most distinguished characteristics were an iron will and unyielding firmness. Andrew Jackson was a great man in very many ways, conspicuously so in upholding with truth and purity the doctrines of the founders of the Republic.

He will be remembered both as a statesman and as a warrior, but chiefly as a statesman. You see he was never in any great battle with the exception of the battle of New Orleans, which was his greatest victory. But the relative importance of his deeds on the battlefield as compared with those as a legislator and as President is not great. Speaking of the battle of New Orleans, there is no question but that the heroic conduct of the officers and men of the Brig Armstrong at the battle of Fayal, had the effect of retarding the British fleet, and thus preventing reinforcements from being sent to Packenham in time to crush the Americans engaged in the defense of New Orleans.

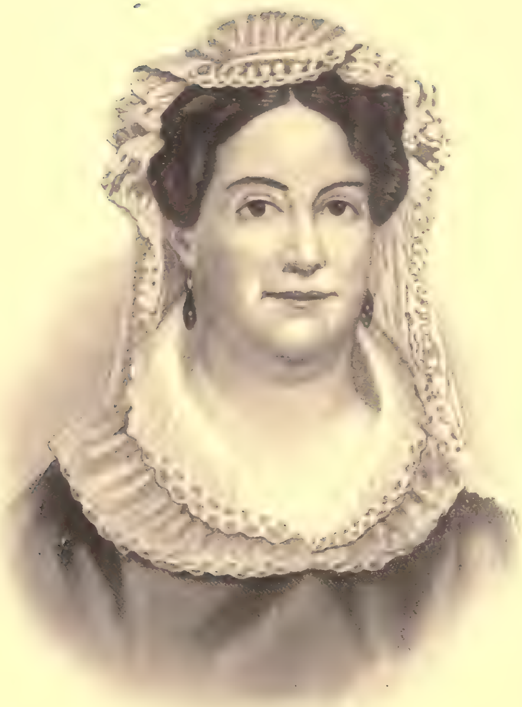
Of course, Jackson made some wonderful campaigns in the Indian wars. He distinguished himself greatly, but it was only in the fight with Packenham that he had to contend against a highly civilized race. You must remember that the same regiments which he defeated at New Orleans were afterwards in the battle of Waterloo with very different results.

As a statesman, the thing in which Jackson was pre-eminent was for upholding the agricultural and manufacturing interests of the country. Jackson shared the views entertained by Washington and Jefferson relative to the superior importance of our agricultural interests compared with commerce and manufactures. This will be evident from the part in this Message, which I will quote: "The agricultural interest of our country is so essentially connected with every other, and so superior in importance to them all, that it is scarcely necessary to invite to it your particular attention. It is principally as manufactures and commerce tend to increase the value of agricultural productions, and to extend their application to the wants and comforts of society, that they deserve the fostering care of government." Jackson also says: "While the chief object of duties should be revenue, they may be so adjusted as to encourage manufactures." But he strictly adheres to his demand for light taxes on necessities.

President Jackson was strenuously opposed to any system which might by any possibility tend to establish monopolies. It was upon this subject that he gave utterance to these memorable words: "The ambition which leads me on is an anxious desire and fixed determination to * * * persuade my countrymen, so far as I may, that it is not in a splendid government supported by powerful monopolies and aristocratical establishments that they will find happiness or the protection of their liberties; but in a plain system, void of pomp, protecting all and granting favors to none, dispensing its blessings like the dews of heaven, unseen and unfelt, save in the freshness and beauty they contribute to produce." Gen. Jackson also adds this great and undeniable truth: "It is such a government that the genius of our people requires—such a one only under which our States may remain for ages to come united, prosperous and free."

It is in view of such utterances as these that I say that Jackson's future place in history will depend upon his utterances as a statesman, rather than his deeds as a warrior. Caution has been the admonition of the thoughtful and painstaking Monroe, "caution" was the keynote of the policy upon this important question recommended by the impetuous and dauntless Jackson.

Jos Wheeler.



RACHEL DONELSON JACKSON

Rachel Donelson, wife of Andrew Jackson, died the December before his inauguration. Therefore the position of Presiding Lady was accorded to her neice, Emily Donelson, wife of Major Andrew J. Donelson, private secretary to the President. His adopted son's wife, Sarah Yorke Jackson, presided at the Hermitage then, and for many years. Mrs. Donelson was very young when called upon to fulfill her social duties; but innate refinement, ease, grace, dignity and various accomplishments rendered her capable of adding much to this period's noted brilliancy. All admired her, even when party spirit quenched unbiased judgment. In all points of etiquette, she was arbiter, the President deferring everything to her opinion. Her four children were born in the White House. Early in 1836 she returned to Tennessee, as her health was failing, hoping for renewed strength; but consumption developed, and her death followed in December of the same year.

Andrew Jackson

Andrew Jackson was born in the Waxhaw Settlement, North or South Carolina, on the 15th of March, 1767. He was a son of Andrew Jackson, an Irishman, who emigrated to America in 1765 and died in 1767. The name of his mother was Elizabeth Hutchinson. There is little definite information about the schools that he attended. According to Parton, "He learned to read, to write, and cast accounts—little more." Having taken arms against the British in 1781, he was captured, and afterwards wounded by an officer because he refused to clean the officer's boots. About 1785 he began to study law at Salisbury, N. C. In 1788 removed to Nashville, Tenn., where he began to practice law. About 1791 he married Rachel Robards, originally Rachel Donelson, whose first husband was living and had taken preliminary measures to obtain a divorce, which was legally completed in 1793. The marriage ceremony was again performed in 1794. He was a member of the convention which framed the constitution of Tennessee in 1796, and in the autumn of that year was elected Representative to Congress by the people of Tennessee, which State was then entitled to only one member. Supported Thomas Jefferson in the Presidential election of 1796. In 1797 became a Senator of the United States for the State of Tennessee. Resigned his seat in the Senate in 1798; was a judge of the supreme court of Tennessee from 1798 till 1804. After war had been declared against Great Britain, General Jackson (who several years before had been appointed major-general of militia) offered his services and those of 2,500 volunteers in June, 1812. He was ordered to New Orleans, and led a body of 2,070 men in that direction; but at Natchez he received an order, dated February 6, 1813, by which his troops were dismissed from public service. In October, 1813, he took the field against the Creek Indians, whom he defeated at Talladega in November. By his services in this Creek war, which ended in 1814, he acquired great popularity, and in May, 1814, was appointed a major-general in the Regular Army; was soon afterwards ordered to the Gulf of Mexico, to oppose an expected invasion of the British. In November he seized Pensacola, which belonged to Spain, but was used by the British as a base of operations. About the 1st of December he moved his army to New Orleans, where he was successful in two engagements with the British, and afterwards gained his famous victory on January 8, 1815.

This was the last battle of the war, a treaty of peace having been signed on December 24, 1814. In 1817-18 he waged a successful war against the Seminoles in Florida, seized Pensacola, and executed Arbuthnot and Ambrister, two British subjects, accused of inciting the savages to hostile acts against the Americans. He was appointed governor of Florida in 1821. In 1823 was elected a Senator of the United States, and nominated as candidate for the Presidency by the legislature of Tennessee. His competitors were John Quincy Adams, Henry Clay, and William H. Crawford. Jackson received 99 electoral votes, Adams 84, Crawford 41, and Clay 37. As no candidate had a majority, the election devolved on the House of Representatives, and it resulted in the choice of Mr. Adams. In 1828 Jackson was elected President, receiving 178 electoral votes, while Adams received 83; was reelected in 1832, defeating Henry Clay. Retired to private life March 4, 1837. He died at the Hermitage on the 8th of June, 1845, and was buried there.

LETTER FROM THE PRESIDENT ELECT.

CITY OF WASHINGTON, *March 2, 1829.*

J. C. CALHOUN,
Vice-President of the United States.

SIR: Through you I beg leave to inform the Senate that on Wednesday, the 4th instant, at 12 o'clock, I shall be ready to take the oath prescribed by the Constitution previously to entering on a discharge of my official duties, and at such place as the Senate may think proper to designate.

I am, very respectfully, sir, your obedient servant,

ANDREW JACKSON.

FIRST INAUGURAL ADDRESS.

FELLOW-CITIZENS: About to undertake the arduous duties that I have been appointed to perform by the choice of a free people, I avail myself of this customary and solemn occasion to express the gratitude which their confidence inspires and to acknowledge the accountability which my situation enjoins. While the magnitude of their interests convinces me that no thanks can be adequate to the honor they have conferred, it admonishes me that the best return I can make is the zealous dedication of my humble abilities to their service and their good.

As the instrument of the Federal Constitution it will devolve on me for a stated period to execute the laws of the United States, to superintend their foreign and their confederate relations, to manage their revenue, to command their forces, and, by communications to the Legislature, to watch over and to promote their interests generally. And the principles of action by which I shall endeavor to accomplish this circle of duties it is now proper for me briefly to explain.

In administering the laws of Congress I shall keep steadily in view the limitations as well as the extent of the Executive power, trusting thereby to discharge the functions of my office without transcending its authority. With foreign nations it will be my study to preserve peace and to cultivate friendship on fair and honorable terms, and in the adjustment of any differences that may exist or arise to exhibit the forbearance becoming a powerful nation rather than the sensibility belonging to a gallant people.

In such measures as I may be called on to pursue in regard to the rights of the separate States I hope to be animated by a proper respect for those sovereign members of our Union, taking care not to confound the powers they have reserved to themselves with those they have granted to the Confederacy.

The management of the public revenue—that searching operation in all governments—is among the most delicate and important trusts in ours, and it will, of course, demand no inconsiderable share of my official solicitude. Under every aspect in which it can be considered it would appear that advantage must result from the observance of a strict and faithful economy. This I shall aim at the more anxiously both because it will facilitate the extinguishment of the national debt, the unnecessary duration of which is incompatible with real independence, and because it will counteract that tendency to public and private profligacy which a profuse expenditure of money by the Government is but too apt to engender. Powerful auxiliaries to the attainment of this desirable end are to be found in the regulations provided by the wisdom of Congress for the specific appropriation of public money and the prompt accountability of public officers.

With regard to a proper selection of the subjects of impost with a view to revenue, it would seem to me that the spirit of equity, caution, and compromise in which the Constitution was formed requires that the great interests of agriculture, commerce, and manufactures should be equally favored, and that perhaps the only exception to this rule should consist in the peculiar encouragement of any products of either of them that may be found essential to our national independence.

Internal improvement and the diffusion of knowledge, so far as they can be promoted by the constitutional acts of the Federal Government, are of high importance.

Considering standing armies as dangerous to free governments in time of peace, I shall not seek to enlarge our present establishment, nor disregard that salutary lesson of political experience which teaches that the military should be held subordinate to the civil power. The gradual increase of our Navy, whose flag has displayed in distant climes our skill in navigation and our fame in arms; the preservation of our forts, arsenals, and dockyards, and the introduction of progressive improvements in the discipline and science of both branches of our military service are so plainly prescribed by prudence that I should be excused for omitting their mention sooner than for enlarging on their importance. But the bulwark of our defense is the national militia, which in the present state of our intelligence and population must render us invincible. As long as our Government is administered for the good of the people, and is regulated by their will; as long as it secures to us the rights of person and of property, liberty of conscience and of the press, it will be worth defending; and so long as it is worth defending a patriotic militia will cover it with an impenetrable ægis. Partial injuries and occasional mortifications we may be subjected to, but a million of armed freemen, possessed of the means of war, can never be conquered by a foreign foe. To any just system, therefore, calculated to strengthen this natural safeguard of the country I shall cheerfully lend all the aid in my power.

It will be my sincere and constant desire to observe toward the Indian tribes within our limits a just and liberal policy, and to give that humane and considerate attention to their rights and their wants which is consistent with the habits of our Government and the feelings of our people.

The recent demonstration of public sentiment inscribes on the list of Executive duties, in characters too legible to be overlooked, the task of *reform*, which will require particularly the correction of those abuses that have brought the patronage of the Federal Government into conflict with the freedom of elections, and the counteraction of those causes which have disturbed the rightful course of appointment and have placed or continued power in unfaithful or incompetent hands.

In the performance of a task thus generally delineated I shall endeavor to select men whose diligence and talents will insure in their respective stations able and faithful cooperation, depending for the advancement of the public service more on the integrity and zeal of the public officers than on their numbers.

A diffidence, perhaps too just, in my own qualifications will teach me to look with reverence to the examples of public virtue left by my illustrious predecessors, and with veneration to the lights that flow from the mind that founded and the mind that reformed our system. The same diffidence induces me to hope for instruction and aid from the coordinate branches of the Government, and for the indulgence and support of my fellow-citizens generally. And a firm reliance on the goodness of that Power whose providence mercifully protected our national infancy, and has since upheld our liberties in various vicissitudes, encourages me to offer up my ardent supplications that He will continue to make our beloved country the object of His divine care and gracious benediction.

MARCH 4, 1829.

SPECIAL MESSAGES.

MARCH 6, 1829.

To the Senate of the United States.

GENTLEMEN: The Executive nominations made during the past session of Congress, and which remain unacted on by the Senate, I hereby withdraw from their consideration.

ANDREW JACKSON.

MARCH 6, 1829.

Gentlemen of the Senate:

The treaty of commerce and navigation concluded at Washington on the 1st of May, 1828, between the United States and the King of Prussia, was laid before the Senate, who, by their resolution of the 14th of that month, advised and consented to its ratification by the President.

By the sixteenth article of that treaty it was agreed that the exchange of ratifications should be made within nine months from its date.

On the 15th day of February last, being fifteen days after the time stipulated for the exchange by the terms of the treaty, the chargé d'affaires of the King of Prussia informed the Secretary of State that he had received the Prussian ratification and was ready to exchange it for that of the United States. In reply he was informed of the intention of the President, my late predecessor, not to proceed to the exchange in consequence of the expiration of the time within which it was to be made.

Under these circumstances I have thought it my duty, in order to avoid all future questions, to ask the advice and consent of the Senate to make the proposed exchange.

I send you the original of the treaty, together with a printed copy of it.

ANDREW JACKSON.

MARCH 11, 1829.

To the Senate of the United States.

GENTLEMEN: Brevet rank for ten years' faithful service has produced much confusion in the Army. For this reason the discretion vested in the President of the United States on this subject would not be exercised by any submission of those cases to the Senate but that it has been heretofore the practice to do so. They are accordingly submitted, with other nominations, to fill the offices respectively annexed to their names in the inclosed lists,* for the consideration of the Senate.

ANDREW JACKSON.

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* Omitted.

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of the Congress of the United States of the 7th of January, 1824, entitled "An act concerning discriminating duties of tonnage and impost," it is provided that upon satisfactory evidence being given to the President of the United States by the government of any foreign nation that no discriminating duties of tonnage or impost are imposed or levied within the ports of the said nation upon vessels belonging wholly to citizens of the United States, or upon merchandise the produce or manufacture thereof imported in the same, the President is thereby authorized to issue his proclamation declaring that the foreign discriminating duties of tonnage and impost within the United States are, and shall be, suspended and discontinued so far as respects the vessels of the said nation and the merchandise of its produce or manufacture imported into the United States in the same, the said suspension to take effect from the time of such notification being given to the President of the United States and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States, and merchandise, as aforesaid, therein laden, shall be continued, and no longer; and

Whereas satisfactory evidence has been received by me from His Imperial Majesty the Emperor of Austria, through the Baron de Lederer, his consul-general in the United States, that vessels wholly belonging to citizens of the United States are not, nor shall be, on their entering any Austrian port, from and after the 1st day of January last, subject to the payment of higher duties of tonnage than are levied on Austrian ships:

Now, therefore, I, Andrew Jackson, President of the United States of America, do hereby declare and proclaim that so much of the several acts imposing duties on the tonnage of ships arriving in the United States as imposed a discriminating duty between the vessels of the Empire of Austria and vessels of the United States are suspended and discontinued, the said suspension to take effect from the day above mentioned and to continue henceforward so long as the reciprocal exemption of the vessels of the United States shall be continued in the ports of the imperial dominions of Austria.

Given under my hand, at the city of Washington, this 11th day of May, A. D. 1829, and the fifty-second* of the Independence of the United States.

[SEAL.]

ANDREW JACKSON.

By the President:
M. VAN BUREN,
Secretary of State.

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* Should be "third" instead of "second."

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of the Congress of the United States of the 24th of May, 1828, entitled "An act in addition to an act entitled 'An act concerning discriminating duties of tonnage and impost,' and to equalize the duties on Prussian vessels and their cargoes," it is provided that upon satisfactory evidence being given to the President of the United States by the government of any foreign nation that no discriminating duties of tonnage or impost are imposed or levied in the ports of the said nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President is thereby authorized to issue his proclamation declaring that the foreign discriminating duties of tonnage and impost within the United States are, and shall be, suspended and discontinued so far as respects the vessels of the said foreign nation and the produce, manufactures, or merchandise imported into the United States in the same from the said foreign nation or from any other foreign country, the said suspension to take effect from the time of such notification being given to the President of the United States and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States, and their cargoes, as aforesaid, shall be continued, and no longer; and

Whereas satisfactory evidence has lately been received by me from His Imperial Majesty the Emperor of Austria, through an official communication of the Baron de Lederer, his consul-general in the United States, under date of the 29th of May, 1829, that no other or higher duties of tonnage and impost are imposed or levied since the 1st day of January last in the ports of Austria upon vessels wholly belonging to citizens of the United States and upon the produce, manufactures, or merchandise imported in the same from the United States and from any foreign country whatever than are levied on Austrian ships and their cargoes in the same ports under like circumstances:

Now, therefore, I, Andrew Jackson, President of the United States of America, do hereby declare and proclaim that so much of the several acts imposing discriminating duties of tonnage and impost within the United States are, and shall be, suspended and discontinued so far as respects the vessels of Austria and the produce, manufactures, and merchandise imported into the United States in the same from the dominions of Austria and from any other foreign country whatever, the said suspension to take effect from the day above mentioned and to continue thenceforward so long as the reciprocal exemption of the vessels of the United States and the produce, manufactures, and merchandise imported into the dominions of Austria in the same, as aforesaid, shall be continued on the part of the Government of His Imperial Majesty the Emperor of Austria.

Given under my hand, at the city of Washington, this 3d day of June, A. D. 1829, and the fifty-third of the Independence of the United States.

ANDREW JACKSON.

By the President:

M. VAN BUREN,
Secretary of State.

EXECUTIVE ORDER.

In all applications by any invalid to obtain a pension in consequence of any disability incurred, no payment therefore shall commence until proof shall be filed in the Department and the decision of the Secretary had thereon; and no pension will be allowed to anyone while acting as an officer of the Army except in cases which have been heretofore adjudged.

Approved, 8th April, 1829.

ANDREW JACKSON.

FIRST ANNUAL MESSAGE.

Fellow-Citizens of the Senate and House of Representatives:

It affords me pleasure to tender my friendly greetings to you on the occasion of your assembling at the seat of Government to enter upon the important duties to which you have been called by the voice of our countrymen. The task devolves on me, under a provision of the Constitution, to present to you, as the Federal Legislature of twenty-four sovereign States and 12,000,000 happy people, a view of our affairs, and to propose such measures as in the discharge of my official functions have suggested themselves as necessary to promote the objects of our Union.

In communicating with you for the first time it is to me a source of unfeigned satisfaction, calling for mutual gratulation and devout thanks to a benign Providence, that we are at peace with all mankind, and that our country exhibits the most cheering evidence of general welfare and progressive improvement. Turning our eyes to other nations, our great desire is to see our brethren of the human race secured in the blessings enjoyed by ourselves, and advancing in knowledge, in freedom, and in social happiness.

Our foreign relations, although in their general character pacific and friendly, present subjects of difference between us and other powers of deep interest as well to the country at large as to many of our citizens. To effect an adjustment of these shall continue to be the object of my earnest endeavors, and notwithstanding the difficulties of the task, I do not allow myself to apprehend unfavorable results. Blessed as our country is with everything which constitutes national strength, she is fully adequate to the maintenance of all her interests. In discharging the responsible trust confided to the Executive in this respect it is my settled purpose to ask nothing that is not clearly right and to submit to nothing that is wrong; and I flatter myself that, supported by the other branches of the Government and by the intelligence and patriotism of the people, we shall be able, under the protection of Providence, to cause all our just rights to be respected.

Of the unsettled matters between the United States and other powers, the most prominent are those which have for years been the subject of negotiation with England, France, and Spain. The late periods at which our ministers to those Governments left the United States render it impossible at this early day to inform you of what has been done on the subjects with which they have been respectively charged. Relying upon the justice of our views in relation to the points committed to negotiation and the reciprocal good feeling which characterizes our intercourse with those nations, we have the best reason to hope for a satisfactory adjustment of existing differences.

With Great Britain, alike distinguished in peace and war, we may look forward to years of peaceful, honorable, and elevated competition. Everything in the condition and history of the two nations is calculated to inspire sentiments of mutual respect and to carry conviction to the minds of both that it is their policy to preserve the most cordial relations. Such are my own views, and it is not to be doubted that such are also the prevailing sentiments of our constituents. Although neither time nor opportunity has been afforded for a full development of the policy which the present cabinet of Great Britain designs to pursue toward this country, I indulge the hope that it will be of a just and pacific character; and if this anticipation be realized we may look with confidence to a speedy and acceptable adjustment of our affairs.

Under the convention for regulating the reference to arbitration of the disputed points of boundary under the fifth article of the treaty of Ghent, the proceedings have hitherto been conducted in that spirit of candor and liberality which ought ever to characterize the acts of sovereign States seeking to adjust by the most unexceptionable means important and delicate subjects of contention. The first statements of the parties have been exchanged, and the final replication on our part is in a course of preparation. This subject has received the attention demanded by its great and peculiar importance to a patriotic member of this Confederacy.

The exposition of our rights already made is such as, from the high reputation of the commissioners by whom it has been prepared, we had a right to expect. Our interests at the Court of the Sovereign who has evinced his friendly disposition by assuming the delicate task of arbitration have been committed to a citizen of the State of Maine, whose character, talents, and intimate acquaintance with the subject eminently qualify him for so responsible a trust. With full confidence in the justice of our cause and in the probity, intelligence, and uncompromising independence of the illustrious arbitrator, we can have nothing to apprehend from the result.

From France, our ancient ally, we have a right to expect that justice which becomes the sovereign of a powerful, intelligent, and magnanimous people. The beneficial effects produced by the commercial convention of 1822, limited as are its provisions, are too obvious not to make a salutary impression upon the minds of those who are charged with the administration of her Government. Should this result induce a disposition to embrace to their full extent the wholesome principles which constitute our commercial policy, our minister to that Court will be found instructed to cherish such a disposition and to aid in conducting it to useful practical conclusions. The claims of our citizens for depredations upon their property, long since committed under the authority, and in many instances by the express direction, of the then existing Government of France, remain unsatisfied, and must therefore continue to furnish a subject of unpleasant discussion and possible collision between the two Governments. I cherish, however, a lively hope, founded as well on the validity of those claims and the established policy of all enlightened governments as on the known integrity of the French Monarch, that the injurious delays of the past will find redress in the equity of the future. Our minister has been instructed to press these demands on the French Government with all the earnestness which is called for by their importance and irrefutable justice, and in a spirit that will evince the respect which is due to the feelings of those from whom the satisfaction is required.

Our minister recently appointed to Spain has been authorized to assist in removing evils alike injurious to both countries, either by concluding a commercial convention upon liberal and reciprocal terms or by urging the acceptance in their full extent of the mutually beneficial provisions of our navigation acts. He has also been instructed to make a further appeal to the justice of Spain, in behalf of our citizens, for indemnity for spoliations upon our commerce committed under her authority—an appeal which the pacific and liberal course observed on our part and a due confidence in the honor of that Government authorize us to expect will not be made in vain.

With other European powers our intercourse is on the most friendly footing. In Russia, placed by her territorial limits, extensive population, and great power high in the rank of nations, the United States have always found a steadfast friend. Although her recent invasion of Turkey awakened a lively sympathy for those who were exposed to the desolations of war, we can not but anticipate that the result will prove favorable to the cause of civilization and to the progress of human happiness. The treaty of peace between these powers having been ratified, we can not be insensible to the great benefit to be derived by the commerce of the United States from unlocking the navigation of the Black Sea, a free passage into which is secured to all merchant vessels bound to ports of Russia under a flag at peace with the Porte. This advantage, enjoyed upon conditions by most of the powers of Europe, has hitherto been withheld from us. During the past summer an antecedent but unsuccessful attempt to obtain it was renewed under circumstances which promised the most favorable results. Although these results have fortunately been thus in part attained, further facilities to the enjoyment of this new field for the enterprise of our citizens are, in my opinion, sufficiently desirable to insure to them our most zealous attention.

Our trade with Austria, although of secondary importance, has been gradually increasing, and is now so extended as to deserve the fostering care of the Government. A negotiation, commenced and nearly completed with that power by the late Administration, has been consummated by a treaty of amity, navigation, and commerce, which will be laid before the Senate.

During the recess of Congress our diplomatic relations with Portugal have been resumed. The peculiar state of things in that country caused a suspension of the recognition of the representative who presented himself until an opportunity was had to obtain from our official organ there information regarding the actual and, as far as practicable, prospective condition of the authority by which the representative in question was appointed. This information being received, the application of the established rule of our Government in like cases was no longer withheld.

Considerable advances have been made during the present year in the adjustment of claims of our citizens upon Denmark for spoliations, but all that we have a right to demand from that Government in their behalf has not yet been conceded. From the liberal footing, however, upon which this subject has, with the approbation of the claimants, been placed by the Government, together with the uniformly just and friendly disposition which has been evinced by His Danish Majesty, there is a reasonable ground to hope that this single subject of difference will speedily be removed.

Our relations with the Barbary Powers continue, as they have long been, of the most favorable character. The policy of keeping an adequate force in the Mediterranean, as security for the continuance of this tranquillity, will be persevered in, as well as a similar one for the protection of our commerce and fisheries in the Pacific.

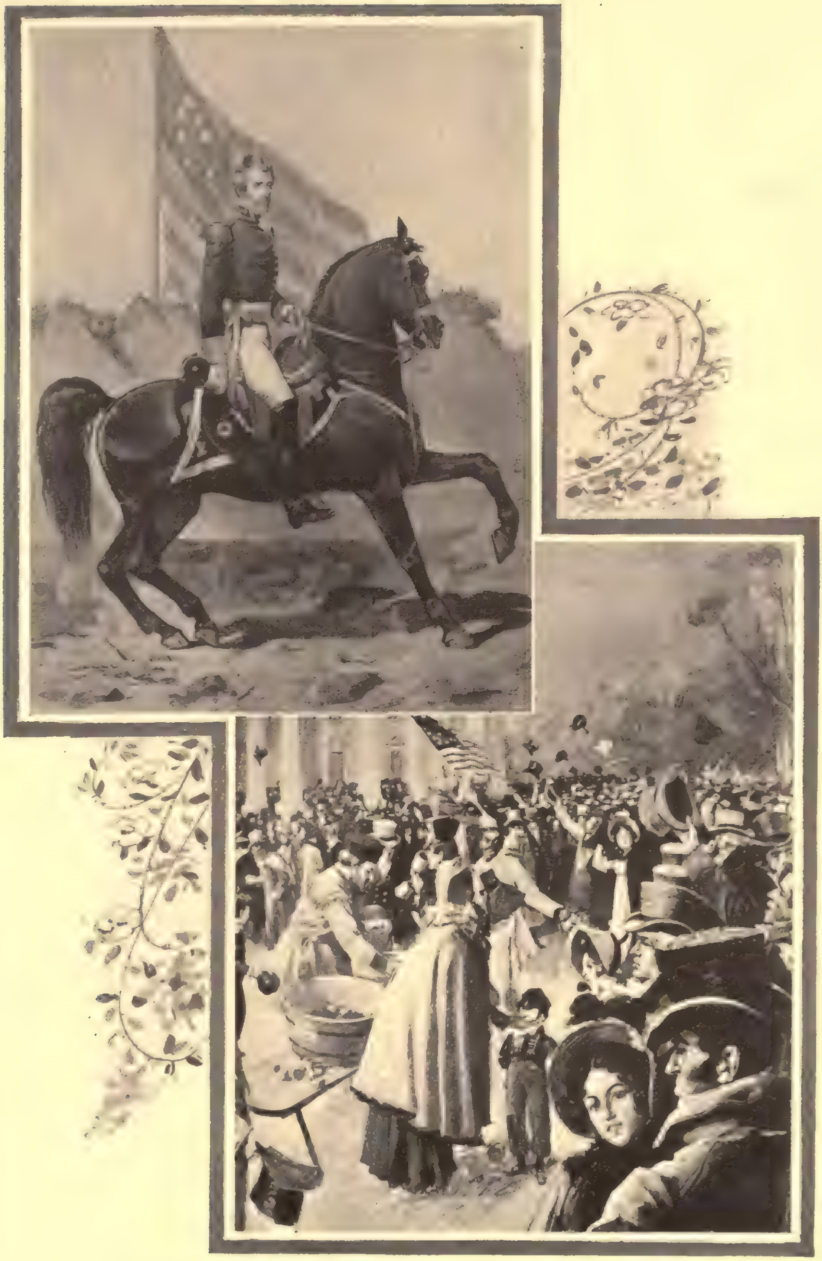
The southern Republics of our own hemisphere have not yet realized all the advantages for which they have been so long struggling. We trust, however, that the day is not distant when the restoration of peace and internal quiet, under permanent systems of government, securing the liberty and promoting the happiness of the citizens, will crown with complete success their long and arduous efforts in the cause of self-government, and enable us to salute them as friendly rivals in all that is truly great and glorious.

The recent invasion of Mexico, and the effect thereby produced upon her domestic policy, must have a controlling influence upon the great question of South American emancipation. We have seen the fell spirit of civil dissension rebuked, and perhaps forever stifled, in that Republic by the love of independence. If it be true, as appearances strongly indicate, that the spirit of independence is the master spirit, and if a corresponding sentiment prevails in the other States, this devotion to liberty can not be without a proper effect upon the counsels of the mother country. The adoption by Spain of a pacific policy toward her former colonies—an event consoling to humanity, and a blessing to the world, in which she herself can not fail largely to participate—may be most reasonably expected.

The claims of our citizens upon the South American Governments generally are in a train of settlement, while the principal part of those upon Brazil have been adjusted, and a decree in council ordering bonds to be issued by the minister of the treasury for their amount has received the sanction of His Imperial Majesty. This event, together with the exchange of the ratifications of the treaty negotiated and concluded in 1828, happily terminates all serious causes of difference with that power.

Measures have been taken to place our commercial relations with Peru upon a better footing than that upon which they have hitherto rested, and if met by a proper disposition on the part of that Government important benefits may be secured to both countries.

Deeply interested as we are in the prosperity of our sister Republics, and more particularly in that of our immediate neighbor, it would be most gratifying to me were I permitted to say that the treatment which we have received at her hands has been as universally friendly as the early and constant solicitude manifested by the United States for her success gave us a right to expect. But it becomes my duty to inform you that prejudices long indulged by a portion of the inhabitants of Mexico against the envoy extraordinary and minister plenipotentiary of the United States have had an unfortunate influence upon the affairs of the two countries, and have diminished that usefulness to his own which was justly to be expected from his talents and zeal. To this cause, in a great degree, is to be imputed the failure of several measures equally interesting to both parties, but particularly that of the Mexican Government to ratify a treaty negotiated and concluded in its own capital and



THE INAUGURATION OF ANDREW JACKSON

under its own eye. Under these circumstances it appeared expedient to give to Mr. Poinsett the option either to return or not, as in his judgment the interest of his country might require, and instructions to that end were prepared; but before they could be dispatched a communication was received from the Government of Mexico, through its chargé d'affaires here, requesting the recall of our minister. This was promptly complied with, and a representative of a rank corresponding with that of the Mexican diplomatic agent near this Government was appointed. Our conduct toward that Republic has been uniformly of the most friendly character, and having thus removed the only alleged obstacle to harmonious intercourse, I can not but hope that an advantageous change will occur in our affairs.

In justice to Mr. Poinsett it is proper to say that my immediate compliance with the application for his recall and the appointment of a successor are not to be ascribed to any evidence that the imputation of an improper interference by him in the local politics of Mexico was well founded, nor to a want of confidence in his talents or integrity, and to add that the truth of that charge has never been affirmed by the federal Government of Mexico in its communications with this.

I consider it one of the most urgent of my duties to bring to your attention the propriety of amending that part of our Constitution which relates to the election of President and Vice-President. Our system of government was by its framers deemed an experiment, and they therefore consistently provided a mode of remedying its defects.

To the people belongs the right of electing their Chief Magistrate; it was never designed that their choice should in any case be defeated, either by the intervention of electoral colleges or by the agency confided, under certain contingencies, to the House of Representatives. Experience proves that in proportion as agents to execute the will of the people are multiplied there is danger of their wishes being frustrated. Some may be unfaithful; all are liable to err. So far, therefore, as the people can with convenience speak, it is safer for them to express their own will.

The number of aspirants to the Presidency and the diversity of the interests which may influence their claims leave little reason to expect a choice in the first instance, and in that event the election must devolve on the House of Representatives, where it is obvious the will of the people may not be always ascertained, or, if ascertained, may not be regarded. From the mode of voting by States the choice is to be made by 24 votes, and it may often occur that one of these will be controlled by an individual Representative. Honors and offices are at the disposal of the successful candidate. Repeated ballotings may make it apparent that a single individual holds the cast in his hand. May he not be tempted to name his reward? But even without corruption, supposing the probity of the Representative to be proof against the powerful motives by which it may be assailed, the will of the people is still constantly liable to be misrepresented. One may err from ignorance of the wishes of his constituents; another from a conviction that it is his duty to be governed by his own judgment of the fitness of the candidates; finally, although all were inflexibly honest, all accurately informed of the wishes of their constituents, yet under the present mode of election a minority may often elect a President, and when this happens it may reasonably be expected that efforts will be made on the part of the majority to rectify this injurious operation of their institutions. But although no evil of this character should result from such a perversion of the first principle of our system—*that the majority is to govern*—it must be very certain that a President elected by a minority can not enjoy the confidence necessary to the successful discharge of his duties.

In this as in all other matters of public concern policy requires that as few impediments as possible should exist to the free operation of the public will. Let us, then, endeavor so to amend our system that the office of Chief Magistrate may not be conferred upon any citizen but in pursuance of a fair expression of the will of the majority.

I would therefore recommend such an amendment of the Constitution as may remove all intermediate agency in the election of the President and Vice-President. The mode may be so regulated as to preserve to each State its present relative weight in the election, and a failure in the first attempt may be provided for by confining the second to a choice between the two highest candidates. In connection with such an amendment it would seem advisable to limit the service of the Chief Magistrate to a single term of either four or six years. If, however, it should not be adopted, it is worthy of consideration whether a provision disqualifying for office the Representatives in Congress on whom such an election may have devolved would not be proper.

While members of Congress can be constitutionally appointed to offices of trust and profit it will be the practice, even under the most conscientious adherence to duty, to select them for such stations as they are believed to be better qualified to fill than other citizens; but the purity of our Government would doubtless be promoted by their exclusion from all appointments in the gift of the President, in whose election they may have been officially concerned. The nature of the judicial office and the necessity of securing in the Cabinet and in diplomatic stations of the highest rank the best talents and political experience should, perhaps, except these from the exclusion.

There are, perhaps, few men who can for any great length of time enjoy office and power without being more or less under the influence of feelings unfavorable to the faithful discharge of their public duties. Their integrity may be proof against improper considerations immediately addressed to themselves, but they are apt to acquire a habit of looking with indifference upon the public interests and of tolerating conduct from which an unpracticed man would revolt. Office is considered as a species of property, and government rather as a means of promoting individual interests than as an instrument created solely for the service of the people. Corruption in some and in others a perversion of correct feelings and principles divert government from its legitimate ends and make it an engine for the support of the few at the expense of the many. The duties of all public officers are, or at least admit of being made, so plain and simple that men of intelligence may readily qualify themselves for their performance; and I can not but believe that more is lost by the long continuance of men in office than is generally to be gained by their experience. I submit, therefore, to your consideration whether the efficiency of the Government would not be promoted and official industry and integrity better secured by a general extension of the law which limits appointments to four years.

In a country where offices are created solely for the benefit of the people no one man has any more intrinsic right to official station than another. Offices were not established to give support to particular men at the public expense. No individual wrong is, therefore, done by removal, since neither appointment to nor continuance in office is matter of right. The incumbent became an officer with a view to public benefits, and when these require his removal they are not to be sacrificed to private interests. It is the people, and they alone, who have a right to complain when a bad officer is substituted for a good one. He who is removed has the same means of obtaining a living that are enjoyed by the millions who never held office. The proposed limitation would destroy the idea of property now so generally connected with official station, and although individual distress may be sometimes produced, it would, by promoting that rotation which constitutes a leading principle in the republican creed, give healthful action to the system.

No very considerable change has occurred during the recess of Congress in the condition of either our agriculture, commerce, or manufactures. The operation of the tariff has not proved so injurious to the two former or as beneficial to the latter as was anticipated. Importations of foreign goods have not been sensibly diminished, while domestic competition, under an illusive excitement, has increased the production much beyond the demand for home consumption. The consequences have been low prices, temporary embarrassment, and partial loss. That such of our manufacturing establishments as are based upon capital and are prudently managed will survive the shock and be ultimately profitable there is no good reason to doubt.

To regulate its conduct so as to promote equally the prosperity of these three cardinal interests is one of the most difficult tasks of Government; and it may be regretted that the complicated restrictions which now embarrass the intercourse of nations could not by common consent be abolished, and commerce allowed to flow in those channels to which individual enterprise, always its surest guide, might direct it. But we must ever expect selfish legislation in other nations, and are therefore compelled to adapt our own to their regulations in the manner best calculated to avoid serious injury and to harmonize the conflicting interests of our agriculture, our commerce, and our manufactures. Under these impressions I invite your attention to the existing tariff, believing that some of its provisions require modification.

The general rule to be applied in graduating the duties upon articles of foreign growth or manufacture is that which will place our own in fair competition with those of other countries; and the inducements to advance even a step beyond this point are controlling in regard to those articles which are of primary necessity in time of war. When we reflect upon the difficulty and delicacy of this operation, it is important that it should never be attempted but with the utmost caution. Frequent legislation in regard to any branch of industry, affecting its value, and by which its capital may be transferred to new channels, must always be productive of hazardous speculation and loss.

In deliberating, therefore, on these interesting subjects local feelings and prejudices should be merged in the patriotic determination to promote the great interests of the whole. All attempts to connect them with the party conflicts of the day are necessarily injurious, and should be discountenanced. Our action upon them should be under the control of higher and purer motives. Legislation subjected to such influences can never be just, and will not long retain the sanction of a people whose active patriotism is not bounded by sectional limits nor insensible to that spirit of concession and forbearance which gave life to our political compact and still sustains it. Discarding all calculations of political ascendency, the North, the South, the East, and the West should unite in diminishing any burthen of which either may justly complain.

The agricultural interest of our country is so essentially connected with every other and so superior in importance to them all that it is scarcely necessary to invite to it your particular attention. It is principally as manufactures and commerce tend to increase the value of agricultural productions and to extend their application to the wants and comforts of society that they deserve the fostering care of Government.

Looking forward to the period, not far distant, when a sinking fund will no longer be required, the duties on those articles of importation which can not come in competition with our own productions are the first that should engage the attention of Congress in the modification of the tariff. Of these, tea and coffee are the most prominent. They enter largely into the consumption of the country, and have become articles of necessity to all classes. A reduction, therefore, of the existing duties will be felt as a common benefit, but like all other legislation connected with commerce, to be efficacious and not injurious it should be gradual and certain.

The public prosperity is evinced in the increased revenue arising from the sales of the public lands and in the steady maintenance of that produced by imposts and tonnage, notwithstanding the additional duties imposed by the act of 19th May, 1828, and the unusual importations in the early part of that year.

The balance in the Treasury on January 1, 1829, was $5,972,435.81. The receipts of the current year are estimated at $24,602,230 and the expenditures for the same time at $26,164,595, leaving a balance in the Treasury on the 1st of January next of $4,410,070.81.

There will have been paid on account of the public debt during the present year the sum of $12,405,005.80, reducing the whole debt of the Government on the 1st of January next to $48,565,406.50, including seven millions of 5 per cent stock subscribed to the Bank of the United States. The payment on account of public debt made on the 1st of July last was $8,715,462.87. It was apprehended that the sudden withdrawal of so large a sum from the banks in which it was deposited, at a time of unusual pressure in the money market, might cause much injury to the interests dependent on bank accommodations. But this evil was wholly averted by an early anticipation of it at the Treasury, aided by the judicious arrangements of the officers of the Bank of the United States.

This state of the finances exhibits the resources of the nation in an aspect highly flattering to its industry and auspicious of the ability of Government in a very short time to extinguish the public debt. When this shall be done our population will be relieved from a considerable portion of its present burthens, and will find not only new motives to patriotic affection, but additional means for the display of individual enterprise. The fiscal power of the States will also be increased, and may be more extensively exerted in favor of education and other public objects, while ample means will remain in the Federal Government to promote the general weal in all the modes permitted to its authority.

After the extinction of the public debt it is not probable that any adjustment of the tariff upon principles satisfactory to the people of the Union will until a remote period, if ever, leave the Government without a considerable surplus in the Treasury beyond what may be required for its current service. As, then, the period approaches when the application of the revenue to the payment of debt will cease, the disposition of the surplus will present a subject for the serious deliberation of Congress; and it may be fortunate for the country that it is yet to be decided. Considered in connection with the difficulties which have heretofore attended appropriations for purposes of internal improvement, and with those which this experience tells us will certainly arise whenever power over such subjects may be exercised by the General Government, it is hoped that it may lead to the adoption of some plan which will reconcile the diversified interests of the States and strengthen the bonds which unite them. Every member of the Union, in peace and in war, will be benefited by the improvement of inland navigation and the construction of highways in the several States. Let us, then, endeavor to attain this benefit in a mode which will be satisfactory to all. That hitherto adopted has by many of our fellow-citizens been deprecated as an infraction of the Constitution, while by others it has been viewed as inexpedient. All feel that it has been employed at the expense of harmony in the legislative councils.

To avoid these evils it appears to me that the most safe, just, and federal disposition which could be made of the surplus revenue would be its apportionment among the several States according to their ratio of representation, and should this measure not be found warranted by the Constitution that it would be expedient to propose to the States an amendment authorizing it. I regard an appeal to the source of power in cases of real doubt, and where its exercise is deemed indispensable to the general welfare, as among the most sacred of all our obligations. Upon this country more than any other has, in the providence of God, been cast the special guardianship of the great principle of adherence to written constitutions. If it fail here, all hope in regard to it will be extinguished. That this was intended to be a government of limited and specific, and not general, powers must be admitted by all, and it is our duty to preserve for it the character intended by its framers. If experience points out the necessity for an enlargement of these powers, let us apply for it to those for whose benefit it is to be exercised, and not undermine the whole system by a resort to overstrained constructions. The scheme has worked well. It has exceeded the hopes of those who devised it, and become an object of admiration to the world. We are responsible to our country and to the glorious cause of self-government for the preservation of so great a good. The great mass of legislation relating to our internal affairs was intended to be left where the Federal Convention found it—in the State governments. Nothing is clearer, in my view, than that we are chiefly indebted for the success of the Constitution under which we are now acting to the watchful and auxiliary operation of the State authorities. This is not the reflection of a day, but belongs to the most deeply rooted convictions of my mind. I can not, therefore, too strongly or too earnestly, for my own sense of its importance, warn you against all encroachments upon the legitimate sphere of State sovereignty. Sustained by its healthful and invigorating influence the federal system can never fall.

In the collection of the revenue the long credits authorized on goods imported from beyond the Cape of Good Hope are the chief cause of the losses at present sustained. If these were shortened to six, nine, and twelve months, and warehouses provided by Government sufficient to receive the goods offered in deposit for security and for debenture, and if the right of the United States to a priority of payment out of the estates of its insolvent debtors were more effectually secured, this evil would in a great measure be obviated. An authority to construct such houses is therefore, with the proposed alteration of the credits, recommended to your attention.

It is worthy of notice that the laws for the collection and security of the revenue arising from imposts were chiefly framed when the rates of duties on imported goods presented much less temptation for illicit trade than at present exists. There is reason to believe that these laws are in some respects quite insufficient for the proper security of the revenue and the protection of the interests of those who are disposed to observe them. The injurious and demoralizing tendency of a successful system of smuggling is so obvious as not to require comment, and can not be too carefully guarded against. I therefore suggest to Congress the propriety of adopting efficient measures to prevent this evil, avoiding, however, as much as possible, every unnecessary infringement of individual liberty and embarrassment of fair and lawful business.

On an examination of the records of the Treasury I have been forcibly struck with the large amount of public money which appears to be outstanding. Of the sum thus due from individuals to the Government a considerable portion is undoubtedly desperate, and in many instances has probably been rendered so by remissness in the agents charged with its collection. By proper exertions a great part, however, may yet be recovered; and whatever may be the portions respectively belonging to these two classes, it behooves the Government to ascertain the real state of the fact. This can be done only by the prompt adoption of judicious measures for the collection of such as may be made available. It is believed that a very large amount has been lost through the inadequacy of the means provided for the collection of debts due to the public, and that this inadequacy lies chiefly in the want of legal skill habitually and constantly employed in the direction of the agents engaged in the service. It must, I think, be admitted that the supervisory power over suits brought by the public, which is now vested in an *accounting* officer of the Treasury, not selected with a view to his legal knowledge, and encumbered as he is with numerous other duties, operates unfavorably to the public interest.

It is important that this branch of the public service should be subjected to the supervision of such professional skill as will give it efficiency. The expense attendant upon such a modification of the executive department would be justified by the soundest principles of economy. I would recommend, therefore, that the duties now assigned to the agent of the Treasury, so far as they relate to the superintendence and management of legal proceedings on the part of the United States, be transferred to the Attorney-General, and that this officer be placed on the same footing in all respects as the heads of the other Departments, receiving like compensation and having such subordinate officers provided for his Department as may be requisite for the discharge of these additional duties, The professional skill of the Attorney-General, employed in directing the conduct of marshals and district attorneys, would hasten the collection of debts now in suit and hereafter save much to the Government. It might be further extended to the superintendence of all criminal proceedings for offenses against the United States. In making this transfer great care should be taken, however, that the power necessary to the Treasury Department be not impaired, one of its greatest securities consisting in a control over all accounts until they are audited or reported for suit.

In connection with the foregoing views I would suggest also an inquiry whether the provisions of the act of Congress authorizing the discharge of the persons of debtors to the Government from imprisonment may not, consistently with the public interest, be extended to the release of the debt where the conduct of the debtor is wholly exempt from the imputation of fraud. Some more liberal policy than that which now prevails in reference to this unfortunate class of citizens is certainly due to them, and would prove beneficial to the country. The continuance of the liability after the means to discharge it have been exhausted can only serve to dispirit the debtor; or, where his resources are but partial, the want of power in the Government to compromise and release the demand instigates to fraud as the only resource for securing a support to his family. He thus sinks into a state of apathy, and becomes a useless drone in society or a vicious member of it, if not a feeling witness of the rigor and inhumanity of his country. All experience proves that oppressive debt is the bane of enterprise, and it should be the care of a republic not to exert a grinding power over misfortune and poverty.

Since the last session of Congress numerous frauds on the Treasury have been discovered, which I thought it my duty to bring under the cognizance of the United States court for this district by a criminal prosecution. It was my opinion and that of able counsel who were consulted that the cases came within the penalties of the act of the Seventeenth Congress approved 3d March, 1823, providing for the punishment of frauds committed on the Government of the United States. Either from some defect in the law or in its administration every effort to bring the accused to trial under its provisions proved ineffectual, and the Government was driven to the necessity of resorting to the vague and inadequate provisions of the common law. It is therefore my duty to call your attention to the laws which have been passed for the protection of the Treasury. If, indeed, there be no provision by which those who may be unworthily intrusted with its guardianship can be punished for the most flagrant violation of duty, extending even to the most fraudulent appropriation of the public funds to their own use, it is time to remedy so dangerous an omission; or if the law has been perverted from its original purposes, and criminals deserving to be punished under its provisions have been rescued by legal subtleties, it ought to be made so plain by amendatory provisions as to baffle the arts of pervasion and accomplish the ends of its original enactment.

In one of the most flagrant cases the court decided that the prosecution was barred by the statute which limits prosecutions for fraud to two years. In this case all the evidences of the fraud, and, indeed, all knowledge that a fraud had been committed, were in possession of the party accused until after the two years had elapsed. Surely the statute ought not to run in favor of any man while he retains all the evidences of his crime in his own possession, and least of all in favor of a public officer who continues to defraud the Treasury and conceal the transaction for the brief term of two years. I would therefore recommend such an alteration of the law as will give the injured party and the Government two years after the disclosure of the fraud or after the accused is out of office to commence their prosecution.

In connection with this subject I invite the attention of Congress to a general and minute inquiry into the condition of the Government, with a view to ascertain what offices can be dispensed with, what expenses retrenched, and what improvements may be made in the organization of its various parts to secure the proper responsibility of public agents and promote efficiency and justice in all its operations.

The report of the Secretary of War will make you acquainted with the condition of our Army, fortifications, arsenals, and Indian affairs. The proper discipline of the Army, the training and equipment of the militia, the education bestowed at West Point, and the accumulation of the means of defense applicable to the naval force will tend to prolong the peace we now enjoy, and which every good citizen, more especially those who have felt the miseries of even a successful warfare, must ardently desire to perpetuate.

The returns from the subordinate branches of this service exhibit a regularity and order highly creditable to its character. Both officers and soldiers seem imbued with a proper sense of duty, and conform to the restraints of exact discipline with that cheerfulness which becomes the profession of arms. There is need, however, of further legislation to obviate the inconveniences specified in the report under consideration, to some of which it is proper that I should call your particular attention.

The act of Congress of the 2d March, 1821, to reduce and fix the military establishment, remaining unexecuted as it regards the command of one of the regiments of artillery, can not now be deemed a guide to the Executive in making the proper appointment. An explanatory act, designating the class of officers out of which this grade is to be filled—whether from the military list as existing prior to the act of 1821 or from it as it has been fixed by that act—would remove this difficulty. It is also important that the laws regulating the pay and emoluments of officers generally should be more specific than they now are. Those, for example, in relation to the Paymaster and Surgeon General assign to them an annual salary of $2,500, but are silent as to allowances which in certain exigencies of the service may be deemed indispensable to the discharge of their duties. This circumstance has been the authority for extending to them various allowances at different times under former Administrations, but no uniform rule has been observed on the subject. Similar inconveniences exist in other cases, in which the construction put upon the laws by the public accountants may operate unequally, produce confusion, and expose officers to the odium of claiming what is not their due.

I recommend to your fostering care, as one of our safest means of national defense, the Military Academy. This institution has already exercised the happiest influence upon the moral and intellectual character of our Army; and such of the graduates as from various causes may not pursue the profession of arms will be scarcely less useful as citizens. Their knowledge of the military art will be advantageously employed in the militia service, and in a measure secure to that class of troops the advantages which in this respect belong to standing armies.

I would also suggest a review of the pension law, for the purpose of extending its benefits to every Revolutionary soldier who aided in establishing our liberties, and who is unable to maintain himself in comfort. These relics of the War of Independence have strong claims upon their country's gratitude and bounty. The law is defective in not embracing within its provisions all those who were during the last war disabled from supporting themselves by manual labor. Such an amendment would add but little to the amount of pensions, and is called for by the sympathies of the people as well as by considerations of sound policy. It will be perceived that a large addition to the list of pensioners has been occasioned by an order of the late Administration, departing materially from the rules which had previously prevailed. Considering it an act of legislation, I suspended its operation as soon as I was informed that it had commenced. Before this period, however, applications under the new regulation had been preferred to the number of 154, of which, on the 27th March, the date of its revocation, 87 were admitted. For the amount there was neither estimate nor appropriation; and besides this deficiency, the regular allowances, according to the rules which have heretofore governed the Department, exceed the estimate of its late Secretary by about $50,000, for which an appropriation is asked.

Your particular attention is requested to that part of the report of the Secretary of War which relates to the money held in trust for the Seneca tribe of Indians. It will be perceived that without legislative aid the Executive can not obviate the embarrassments occasioned by the diminution of the dividends on that fund, which originally amounted to $100,000, and has recently been invested in United States 3 per cent stock.

The condition and ulterior destiny of the Indian tribes within the limits of some of our States have become objects of much interest and importance. It has long been the policy of Government to introduce among them the arts of civilization, in the hope of gradually reclaiming them from a wandering life. This policy has, however, been coupled with another wholly incompatible with its success. Professing a desire to civilize and settle them, we have at the same time lost no opportunity to purchase their lands and thrust them farther into the wilderness. By this means they have not only been kept in a wandering state, but been led to look upon us as unjust and indifferent to their fate. Thus, though lavish in its expenditures upon the subject, Government has constantly defeated its own policy, and the Indians in general, receding farther and farther to the west, have retained their savage habits. A portion, however, of the Southern tribes, having mingled much with the whites and made some progress in the arts of civilized life, have lately attempted to erect an independent government within the limits of Georgia and Alabama. These States, claiming to be the only sovereigns within their territories, extended their laws over the Indians, which induced the latter to call upon the United States for protection.

Under these circumstances the question presented was whether the General Government had a right to sustain those people in their pretensions. The Constitution declares that "no new State shall be formed or erected within the jurisdiction of any other State" without the consent of its legislature. If the General Government is not permitted to tolerate the erection of a confederate State within the territory of one of the members of this Union against her consent, much less could it allow a foreign and independent government to establish itself there. Georgia became a member of the Confederacy which eventuated in our Federal Union as a sovereign State, always asserting her claim to certain limits, which, having been originally defined in her colonial charter and subsequently recognized in the treaty of peace, she has ever since continued to enjoy, except as they have been circumscribed by her own voluntary transfer of a portion of her territory to the United States in the articles of cession of 1802. Alabama was admitted into the Union on the same footing with the original States, with boundaries which were prescribed by Congress. There is no constitutional, conventional, or legal provision which allows them less power over the Indians within their borders than is possessed by Maine or New York. Would the people of Maine permit the Penobscot tribe to erect an independent government within their State? And unless they did would it not be the duty of the General Government to support them in resisting such a measure? Would the people of New York permit each remnant of the Six Nations within her borders to declare itself an independent people under the protection of the United States? Could the Indians establish a separate republic on each of their reservations in Ohio? And if they were so disposed would it be the duty of this Government to protect them in the attempt? If the principle involved in the obvious answer to these questions be abandoned, it will follow that the objects of this Government are reversed, and that it has become a part of its duty to aid in destroying the States which it was established to protect.

Actuated by this view of the subject, I informed the Indians inhabiting parts of Georgia and Alabama that their attempt to establish an independent government would not be countenanced by the Executive of the United States, and advised them to emigrate beyond the Mississippi or submit to the laws of those States.

Our conduct toward these people is deeply interesting to our national character. Their present condition, contrasted with what they once were, makes a most powerful appeal to our sympathies. Our ancestors found them the uncontrolled possessors of these vast regions. By persuasion and force they have been made to retire from river to river and from mountain to mountain, until some of the tribes have become extinct and others have left but remnants to preserve for awhile their once terrible names. Surrounded by the whites with their arts of civilization, which by destroying the resources of the savage doom him to weakness and decay, the fate of the Mohegan, the Narragansett, and the Delaware is fast overtaking the Choctaw, the Cherokee, and the Creek. That this fate surely awaits them if they remain within the limits of the States does not admit of a doubt. Humanity and national honor demand that every effort should be made to avert so great a calamity. It is too late to inquire whether it was just in the United States to include them and their territory within the bounds of new States, whose limits they could control. That step can not be retraced. A State can not be dismembered by Congress or restricted in the exercise of her constitutional power. But the people of those States and of every State, actuated by feelings of justice and a regard for our national honor, submit to you the interesting question whether something can not be done, consistently with the rights of the States, to preserve this much-injured race.

As a means of effecting this end I suggest for your consideration the propriety of setting apart an ample district west of the Mississippi, and without the limits of any State or Territory now formed, to be guaranteed to the Indian tribes as long as they shall occupy it, each tribe having a distinct control over the portion designated for its use. There they may be secured in the enjoyment of governments of their own choice, subject to no other control from the United States than such as may be necessary to preserve peace on the frontier and between the several tribes. There the benevolent may endeavor to teach them the arts of civilization, and, by promoting union and harmony among them, to raise up an interesting commonwealth, destined to perpetuate the race and to attest the humanity and justice of this Government.

This emigration should be voluntary, for it would be as cruel as unjust to compel the aboriginies to abandon the graves of their fathers and seek a home in a distant land. But they should be distinctly informed that if they remain within the limits of the States they must be subject to their laws. In return for their obedience as individuals they will without doubt be protected in the enjoyment of those possessions which they have improved by their industry. But it seems to me visionary to suppose that in this state of things claims can be allowed on tracts of country on which they have neither dwelt nor made improvements, merely because they have seen them from the mountain or passed them in the chase. Submitting to the laws of the States, and receiving, like other citizens, protection in their persons and property, they will ere long become merged in the mass of our population.

The accompanying report of the Secretary of the Navy will make you acquainted with the condition and useful employment of that branch of our service during the present year. Constituting as it does the best standing security of this country against foreign aggression, it claims the especial attention of Government. In this spirit the measures which since the termination of the last war have been in operation for its gradual enlargement were adopted, and it should continue to be cherished as the offspring of our national experience. It will be seen, however, that notwithstanding the great solicitude which has been manifested for the perfect organization of this arm and the liberality of the appropriations which that solicitude has suggested, this object has in many important respects not been secured.

In time of peace we have need of no more ships of war than are requisite to the protection of our commerce. Those not wanted for this object must lay in the harbors, where without proper covering they rapidly decay, and even under the best precautions for their preservation must soon become useless. Such is already the case with many of our finest vessels, which, though unfinished, will now require immense sums of money to be restored to the condition in which they were when committed to their proper element. On this subject there can be but little doubt that our best policy would be to discontinue the building of ships of the first and second class, and look rather to the possession of ample materials, prepared for the emergencies of war, than to the number of vessels which we can float in a season of peace, as the index of our naval power. Judicious deposits in navy-yards of timber and other materials, fashioned under the hands of skillful workmen and fitted for prompt application to their various purposes, would enable us at all times to construct vessels as fast as they can be manned, and save the heavy expense of repairs, except to such vessels as must be employed in guarding our commerce. The proper points for the establishment of these yards are indicated with so much force in the report of the Navy Board that in recommending it to your attention I deem it unnecessary to do more than express my hearty concurrence in their views. The yard in this District, being already furnished with most of the machinery necessary for shipbuilding, will be competent to the supply of the two selected by the Board as the best for the concentration of materials, and, from the facility and certainty of communication between them, it will be useless to incur at those depots the expense of similar machinery, especially that used in preparing the usual metallic and wooden furniture of vessels.

Another improvement would be effected by dispensing altogether with the Navy Board as now constituted, and substituting in its stead bureaus similar to those already existing in the War Department. Each member of the Board, transferred to the head of a separate bureau charged with specific duties, would feel in its highest degree that wholesome responsibility which can not be divided without a far more than proportionate diminution of its force. Their valuable services would become still more so when separately appropriated to distinct portions of the great interests of the Navy, to the prosperity of which each would be impelled to devote himself by the strongest motives. Under such an arrangement every branch of this important service would assume a more simple and precise character, its efficiency would be increased, and scrupulous economy in the expenditure of public money promoted.

I would also recommend that the Marine Corps be merged in the artillery or infantry, as the best mode of curing the many defects in its organization. But little exceeding in number any of the regiments of infantry, that corps has, besides its lieutenant-colonel commandant, five brevet lieutenant-colonels, who receive the full pay and emoluments of their brevet rank, without rendering proportionate service. Details for marine service could as well be made from the artillery or infantry, there being no peculiar training requisite for it.

With these improvements, and such others as zealous watchfulness and mature consideration may suggest, there can be little doubt that under an energetic administration of its affairs the Navy may soon be made everything that the nation wishes it to be. Its efficiency in the suppression of piracy in the West India seas, and wherever its squadrons have been employed in securing the interests of the country, will appear from the report of the Secretary, to which I refer you for other interesting details. Among these I would bespeak the attention of Congress for the views presented in relation to the inequality between the Army and Navy as to the pay of officers. No such inequality should prevail between these brave defenders of their country, and where it does exist it is submitted to Congress whether it ought not to be rectified.

The report of the Postmaster-General is referred to as exhibiting a highly satisfactory administration of that Department. Abuses have been reformed, increased expedition in the transportation of the mail secured, and its revenue much improved. In a political point of view this Department is chiefly important as affording the means of diffusing knowledge. It is to the body politic what the veins and arteries are to the natural—conveying rapidly and regularly to the remotest parts of the system correct information of the operations of the Government, and bringing back to it the wishes and feelings of the people. Through its agency we have secured to ourselves the full enjoyment of the blessings of a free press.

In this general survey of our affairs a subject of high importance presents itself in the present organization of the judiciary. An uniform operation of the Federal Government in the different States is certainly desirable, and existing as they do in the Union on the basis of perfect equality, each State has a right to expect that the benefits conferred on the citizens of others should be extended to hers. The judicial system of the United States exists in all its efficiency in only fifteen members of the Union; to three others the circuit courts, which constitute an important part of that system, have been imperfectly extended, and to the remaining six altogether denied. The effect has been to withhold from the inhabitants of the latter the advantages afforded (by the Supreme Court) to their fellow-citizens in other States in the whole extent of the criminal and much of the civil authority of the Federal judiciary. That this state of things ought to be remedied, if it can be done consistently with the public welfare, is not to be doubted. Neither is it to be disguised that the organization of our judicial system is at once a difficult and delicate task. To extend the circuit courts equally throughout the different parts of the Union, and at the same time to avoid such a multiplication of members as would encumber the supreme appellate tribunal, is the object desired. Perhaps it might be accomplished by dividing the circuit judges into two classes, and providing that the Supreme Court should be held by these classes alternately, the Chief Justice always presiding.

If an extension of the circuit-court system to those States which do not now enjoy its benefits should be determined upon, it would of course be necessary to revise the present arrangement of the circuits; and even if that system should not be enlarged, such a revision is recommended.

A provision for taking the census of the people of the United States will, to insure the completion of that work within a convenient time, claim the early attention of Congress.

The great and constant increase of business in the Department of State forced itself at an early period upon the attention of the Executive. Thirteen years ago it was, in Mr. Madison's last message to Congress, made the subject of an earnest recommendation, which has been repeated by both of his successors; and my comparatively limited experience has satisfied me of its justness. It has arisen from many causes, not the least of which is the large addition that has been made to the family of independent nations and the proportionate extension of our foreign relations. The remedy proposed was the establishment of a home department—a measure which does not appear to have met the views of Congress on account of its supposed tendency to increase, gradually and imperceptibly, the already too strong bias of the federal system toward the exercise of authority not delegated to it. I am not, therefore, disposed to revive the recommendation, but am not the less impressed with the importance of so organizing that Department that its Secretary may devote more of his time to our foreign relations. Clearly satisfied that the public good would be promoted by some suitable provision on the subject, I respectfully invite your attention to it.

The charter of the Bank of the United States expires in 1836, and its stockholders will most probably apply for a renewal of their privileges. In order to avoid the evils resulting from precipitancy in a measure involving such important principles and such deep pecuniary interests, I feel that I can not, in justice to the parties interested, too soon present it to the deliberate consideration of the Legislature and the people. Both the constitutionality and the expediency of the law creating this bank are well questioned by a large portion of our fellow-citizens, and it must be admitted by all that it has failed in the great end of establishing a uniform and sound currency.

Under these circumstances, if such an institution is deemed essential to the fiscal operations of the Government, I submit to the wisdom of the Legislature whether a national one, founded upon the credit of the Government and its revenues, might not be devised which would avoid all constitutional difficulties and at the same time secure all the advantages to the Government and country that were expected to result from the present bank.

I can not close this communication without bringing to your view the just claim of the representatives of Commodore Decatur, his officers and crew, arising from the recapture of the frigate *Philadelphia* under the heavy batteries of Tripoli. Although sensible, as a general rule, of the impropriety of Executive interference under a Government like ours, where every individual enjoys the right of directly petitioning Congress, yet, viewing this case as one of very peculiar character, I deem it my duty to recommend it to your favorable consideration. Besides the justice of this claim, as corresponding to those which have been since recognized and satisfied, it is the fruit of a deed of patriotic and chivalrous daring which infused life and confidence into our infant Navy and contributed as much as any exploit in its history to elevate our national character. Public gratitude, therefore, stamps her seal upon it, and the meed should not be withheld which may hereafter operate as a stimulus to our gallant tars.

I now commend you, fellow-citizens, to the guidance of Almighty God, with a full reliance on His merciful providence for the maintenance of our free institutions, and with an earnest supplication that whatever errors it may be my lot to commit in discharging the arduous duties which have devolved on me will find a remedy in the harmony and wisdom of your counsels.

ANDREW JACKSON.

DECEMBER 8, 1829.

SPECIAL MESSAGES.

DECEMBER 14, 1829.

The VICE-PRESIDENT OF THE UNITED STATES AND PRESIDENT OF THE SENATE:

In pursuance of the resolution of the Senate of the 2d March, 1829, requesting the President of the United States to communicate to it "copies of the journal of the commissioners under the first article of the treaty of Ghent for the months of October and November, 1817, or so much thereof as in his opinion may be safely communicated, not including the agreement or evidence offered by the agents," I have the honor herewith to transmit a report from the Secretary of State, accompanying the document referred to in said resolution.

ANDREW JACKSON.

WASHINGTON, *December 14, 1829.*

The VICE-PRESIDENT OF THE UNITED STATES AND PRESIDENT OF THE SENATE:

I transmit to the Senate, for their advice and consent as to the ratification of it, a treaty of commerce and navigation between the United States of America and His Majesty the Emperor of Austria, concluded and signed in this city on the 2d of August in the present year.

ANDREW JACKSON.

DECEMBER 15, 1829.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES:

A deputation from the Passamaquoddy Indians resident within the limits of Maine have arrived in this city and presented a memorial soliciting the aid of the Government in providing them the means of support. Recollecting that this tribe when strong and numerous fought with us for the liberty which we now enjoy, I could not refuse to present to the consideration of Congress their supplication for a small portion of the bark and timber of the country which once belonged to them.

It is represented that from individuals who own the lands adjoining the present small possession of this tribe purchases can be made sufficiently extensive to secure the objects of the memorial in this respect, as will appear from the papers herewith transmitted. Should Congress deem it proper to make them, it will be necessary to provide for their being held in trust for the use of the tribe during its existence as such.

ANDREW JACKSON.

DECEMBER 16, 1829.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES:

I have the honor to transmit herewith to the House of Representatives a report of the Secretary of War, accompanying copies of surveys* made in pursuance of the acts of Congress passed the 30th of April, 1824, and the 2d of March, 1829, and to request that the House cause them to be laid before the Senate, as there are no duplicates prepared.

ANDREW JACKSON.

DECEMBER 22, 1829.

To the Senate of the United States:

I herewith transmit two treaties--one concluded with the Winnebago tribe of Indians at Prairie du Chien on the 1st of August, 1829, and the other with the Chippewa, Ottawa, and Pottawattamie tribes at the same place on the 29th of July, 1829—which, with the documents explanatory thereof, are submitted to the Senate for consideration whether they will advise and consent to their ratification.

ANDREW JACKSON.

DECEMBER 29, 1829.

To the Senate of the United States:

I transmit herewith a treaty concluded with the Delaware tribe of Indians on the 3d of August, 1829, which, with the documents explanatory thereof, is submitted to the consideration of the Senate for their advice and consent as to the ratification of the same.

ANDREW JACKSON.

DECEMBER 30, 1829.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES:

I transmit herewith to the House the report and estimate of the survey made in pursuance of the act of the 30th April, 1824, in order to ascertain the practicability of connecting the waters of the Altamaha and Tennessee rivers by a canal and railroad, and request, as there is no duplicate of the same prepared, that the House will cause it to be laid before the Senate.

ANDREW JACKSON.

JANUARY 4, 1830.

To the Senate of the United States:

I have been requested by the legislature of South Carolina, as will appear from the documents accompanying this communication, to submit to the consideration of Congress certain claims against the United States for advances made by that State during the last war. It is conceded that the redress sought for can only be obtained through the interposition of Congress. The only agency allowed to me is to present such facts in relation to the subject as are in the possession of the Executive, in order that the whole may be fairly considered.

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*Of Deep Creek, Virginia; Pasquotank River, North Carolina; entrance of the river Teche, Louisiana; passes at mouth of the Mississippi, Louisiana; water tract between Lake Pontchartrain and Mobile Bay; Des Moines and Rock River rapids in the Mississippi: with a view to the location of a railroad from Charleston to Hamburg, S. C.

This duty I perform with great pleasure, being well satisfied that no inducement will be wanting to secure to the claims of a member of the Confederacy that has under all circumstances shewn an ardent devotion to the cause of the country the most ample justice.

By a reference to the Department of War for information as to the nature and extent of these claims it appears that they consist of-

First. Interest upon moneys advanced for the United States which have been heretofore reimbursed.

Second. Certain advances which on a settlement of accounts between South Carolina and the United States were disallowed or suspended by the accounting officers of the Treasury.

In regard to the former, the rule hitherto adopted by Congress has been to allow to the States interest only where they had paid it on money borrowed, and had applied it to the use of the United States. The case of South Carolina does not come strictly within this rule, because instead of borrowing, as she alleges, for the use of the United States, upon interest, she applied to the use of the United States funds for which she was actually receiving an interest; and she is understood to insist that the loss of interest in both cases being equal, and the relief afforded equally meritorious, the same principle of remuneration should be applied.

Acting upon an enlightened sense of national justice and gratitude, it is confidently believed that Congress will be as mindful of this claim as it has been of others put forward by the States that in periods of extreme peril generously contributed to the service of the Union and enabled the General Government to discharge its obligations. The grounds upon which certain portions of it have been suspended or rejected will appear from the communications of the Secretary of War and Third Auditor herewith submitted.

ANDREW JACKSON.

JANUARY 4, 1830.

To the Senate of the United States:

I transmit herewith a supplement to the treaty made with the Delaware tribe on the 3d of October, 1818, which, with the accompanying papers, is submitted to the Senate for their advice and consent as to the ratification of the same.

ANDREW JACKSON.

JANUARY 5, 1830.

To the House of Representatives:

The subject of the inclosed memorial* having been adjudicated by the courts of the country, and decided against the memorialists, it is respectfully laid before Congress, the only power now to which they can appeal for relief.

ANDREW JACKSON.

JANUARY 5, 1830.

To the Senate of the United States:

I submit herewith a report† from the Secretary of the Treasury, giving the information called for by a resolution of the Senate of the 24th December, 1828.

ANDREW JACKSON.

WASHINGTON, *January 14, 1830.*

To the Senate and House of Representatives of the United States:

I transmit to Congress copies of three Indian treaties, which have been duly ratified:

1. A treaty with the nation of Winnebago Indians, concluded on the 1st of August, 1829, at Prairie du Chien, in the Territory of Michigan, between General John McNeil, Colonel Pierre Menard, and Caleb Atwater, esq., commissioners on the part of the United States, and certain chiefs and warriors on the part of the nation of Winnebago Indians.

2. A treaty with the united nations of Chippewa, Ottowa, and Pottawatomie Indians, concluded on the 29th of July, 1829, at Prairie du Chien, between General John McNeil, Colonel Pierre Menard, and Caleb Atwater, esq., commissioners on the part of the United States, and certain chiefs and warriors of the said united nations on the part of said nations.

3. Articles of agreement between the United States of America and the band of Delaware Indians upon the Sandusky River, in the State of Ohio, entered into on the 3d of August, 1829, at Little Sandusky, in the State of Ohio, by John McElvain, commissioner on the part of the United States, and certain chiefs on the part of said band of Delaware Indians.

I transmit also the estimates of appropriation necessary to carry them into effect.

ANDREW JACKSON.

JANUARY 19, 1830.

To the Senate and House of Representatives.

GENTLEMEN: The accompanying gold medal, commemorative of the delivery of the Liberator President of the Republic of Colombia from the daggers of assassins on the night of the 25th of September last, has been offered for my acceptance by that Government. The respect which I entertain as well for the character of the Liberator President as for the people and Government over which he presides renders this mark of their regard most gratifying to my feelings; but I am prevented from complying with their wishes by the provision of our Constitution forbidding the acceptance of presents from a foreign state by officers of the United States, and it is therefore placed at the disposal of Congress.

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* Of certain purchases of land in Louisiana from the Government of Spain.

† Transmitting statements of moneys appropriated and lands granted to the several States for purposes of education and construction of roads and canals, etc., since the adoption of the Constitution.

The powerful influence in the affairs of his country which the sacrifices and heroic deeds of General Bolivar have acquired for him creates an anxiety as to his future course in which the friends of liberal institutions throughout the world deeply participate. The favorable estimate which I have formed of the nature of the services rendered by him, and of his personal character, impresses me with the strongest confidence that his conduct in the present condition of his country will be such as may best promote her true interest and best secure his own permanent fame.

I deem the present a suitable occasion to inform you that shortly after my communication to Congress at the opening of the session dispatches were received from Mr. Moore, the envoy extraordinary and minister plenipotentiary of the United States to Colombia, stating that he had succeeded in obtaining the assent of the council of ministers to the allowance of the claims of our citizens upon that Government in the cases of the brig *Josephine* and her cargo and the schooner *Ranger* and part of her cargo. An official copy of the convention subsequently entered into between Mr. Moore and the secretary of foreign affairs, providing for the final settlement of those claims, has just been received at the Department of State. By an additional article of this convention the claim in the case of the brig *Morris* is suspended until further information is obtained by the Colombian Government from the Court at Carracas; and Mr. Moore anticipates its early and satisfactory adjustment. The convention only waited the ratification of the Liberator President, who was at the time absent from Bogota, to be binding upon the Colombian Government. Although these claims are not, comparatively, of a large amount, yet the prompt and equitable manner in which the application of Mr. Moore in behalf of our injured citizens was met by that Government entitles its conduct to our approbation, and promises well for the future relations of the two countries.

It gives me pleasure to add an expression of my entire satisfaction with the conduct of Mr. Moore since his arrival at Bogota. The judgment and discretion evinced by him on occasions of much interest and delicacy, the assiduity displayed in bringing so nearly to a conclusion within five weeks after his arrival claims which had been pending for years, and the promptitude and capacity with which he has entered upon other and more important portions of his official duty are calculated to inspire strong confidence in his future usefulness.

ANDREW JACKSON.

JANUARY 20, 1830.

To the Senate and House of Representatives:

GENTLEMEN: I respectfully submit to your consideration the accompanying communication from the Secretary of the Treasury, showing that according to the terms of an agreement between the United States and the United Society of Christian Indians the latter have a claim to an annuity of $400, commencing from the 1st of October, 1826, for which an appropriation by law for this amount, as long as they are entitled to receive it, will be proper.

ANDREW JACKSON.

WASHINGTON, *January 26, 1830.*

To the Senate and House of Representatives of the United States:

I submit to Congress a communication from the Secretary of State, together with the report of the Superintendent of the Patent Office, to which it refers, showing the present condition of that office and suggesting the necessity of further legislative provisions in regard to it, and I recommend the subjects it embraces to the particular attention of Congress.

It will be seen that there is an unexplained deficiency in the accounts which have been rendered at the Treasury of the fees received at the office, amounting to $4,290, and that precautions have been provided to guard against similar delinquencies in future. Congress will decide on their sufficiency and whether any legislative aid is necessary upon this branch of the subject referred to in the report.

ANDREW JACKSON.

JANUARY 26, 1830.

To the Senate and House of Representatives:

I find it necessary to recommend to Congress a revision of the laws relating to the direct and contingent expenses of our intercourse with foreign nations, and particularly of the act of May 1, 1810, entitled "An act fixing the compensation of public ministers and of consuls residing on the coast of Barbary, and for other purposes."

A letter from the Fifth Auditor of the Treasury to the Secretary of State, herewith transmitted, which notices the difficulties incident to the settlement of the accounts of certain diplomatic agents of the United States, serves to show the necessity of this revision. This branch of the Government is incessantly called upon to sanction allowances which not unfrequently appear to have just and equitable foundations in usage, but which are believed to be incompatible with the provisions of the act of 1810. The letter from the Fifth Auditor contains a description of several claims of this character which are submitted to Congress as the only tribunal competent to afford the relief to which the parties consider themselves entitled.

Among the most prominent questions of this description are the following:

I. Claims for outfits by ministers and chargés d'affaires duly appointed by the President and Senate.

The act of 1790, regulating the expenditures for foreign intercourse, provided "that, exclusive of an outfit, which shall in no case exceed one year's full salary to the minister plenipotentiary or chargé d'affaires to whom the same may be allowed, the President shall not allow to any minister plenipotentiary a greater sum than at the rate of $9,000 per annum as a compensation for all his personal services and other expenses, nor a greater sum for the same than $4,500 per annum to a chargé d'affaires." By this provision the maximum of allowance only was fixed, leaving the question as to any outfit, either in whole or in part, to the discretion of the President, to be decided according to circumstances. Under it a variety of cases occurred, in which outfits having been given to diplomatic agents on their first appointment, afterwards, upon their being transferred to other courts or sent upon special and distinct missions, full or half outfits were again allowed.

This act, it will be perceived, although it fixes the maximum of outfit, is altogether silent as to the circumstances under which outfits might be allowed; indeed, the authority to allow them at all is not expressly conveyed, but only incidentally adverted to in limiting the amount. This limitation continued to be the only restriction upon the Executive until 1810, the act of 1790 having been kept in force till that period by five successive reenactments, in which it is either referred to by means of its title or its terms are repeated verbatim. In 1810 an act passed wherein the phraseology which had been in use for twenty years is departed from. Fixing the same limits precisely to the *amount* of salaries and outfits to ministers and chargés as had been six times fixed since 1790, it differs from preceding acts by formally conveying an authority to allow an outfit to "a minister plenipotentiary or chargé d'affaires *on going from the United States to any foreign country;*" and, in addition to this specification of the circumstances under which the outfit may be allowed, it contains one of the conditions which shall be requisite to entitle a chargé or secretary to the compensation therein provided.

Upon a view of all the circumstances connected with the subject I can not permit myself to doubt that it was with reference to the practice of multiplying outfits to the same person and in the intention of prohibiting it in future that this act was passed.

It being, however, frequently deemed advantageous to transfer ministers already abroad from one court to another, or to employ those who were resident at a particular court upon special occasions elsewhere, it seems to have been considered that it was not the intention of Congress to restrain the Executive from so doing. It was further contended that the President being left free to select for ministers citizens, whether at home or abroad, a right on the part of such ministers to the usual emoluments followed as a matter of course. This view was sustained by the opinion of the law officer of the Government, and the act of 1810 was construed to leave the whole subject of salary and outfit where it found it under the law of 1790; that is to say, completely at the discretion of the President, without any other restriction than the maximum already fixed by that law. This discretion has from time to time been exercised by successive Presidents; but whilst I can not but consider the restriction in this respect imposed by the act of 1810 as inexpedient, I can not feel myself justified in adopting a construction which defeats the only operation of which this part of it seems susceptible; at least, not unless Congress, after having the subject distinctly brought to their consideration, should virtually give their assent to that construction. Whatever may be thought of the propriety of giving an outfit to secretaries of legation or others who may be considered as only temporarily charged with the affairs intrusted to them, I am impressed with the justice of such an allowance in the case of a citizen who happens to be abroad when first appointed, and that of a minister already in place, when the public interest requires his transfer, and, from the breaking up of his establishment and other circumstances connected with the change, he incurs expenses to which he would not otherwise have been subjected.

II. Claims for outfits and salaries by chargés d'affaires and secretaries of legation who have not been appointed by the President by and with the advice and consent of the Senate.

By the second section of the act of 1810 it is provided–

> That to entitle any chargé d'affaires or secretary of any legation or embassy to any foreign country, or secretary of any minister plenipotentiary, to the compensation hereinbefore provided they shall respectively be appointed by the President of the United States, by and with the advice and consent of the Senate; but in the recess of the Senate the President is hereby authorized to make such appointments, which shall be submitted to the Senate at the next session thereafter for their advice and consent; and no compensation shall be allowed to any chargé d'affaires or any of the secretaries hereinbefore described who shall not be appointed as aforesaid.

Notwithstanding the explicit language of this act, claims for outfits and salaries have been made—and allowed at the Treasury—by chargés d'affaires and secretaries of legation who had not been appointed in the manner specified. Among the accompanying documents will be found several claims of this description, of which a detailed statement is given in the letter of the Fifth Auditor. The case of Mr. William B. Lawrence, late chargé d'affaires at London, is of a still more peculiar character, in consequence of his having actually drawn his outfit and salary from the bankers employed by the Government, and from the length of time he officiated in that capacity. Mr. Lawrence's accounts were rendered to the late Administration, but not settled. I have refused to sanction the allowance claimed, because the law does not authorize it, but have refrained from directing any proceedings to compel a reimbursement of the money thus, in my judgment, illegally received until an opportunity should be afforded to Congress to pass upon the equity of the claim.

Appropriations are annually and necessarily made "for the contingent expenses of all the missions abroad" and "for the contingent expenses of foreign intercourse," and the expenditure of these funds intrusted to the discretion of the President. It is out of those appropriations that allowances of this character have been claimed, and, it is presumed, made. Deeming, however, that the discretion thus committed to the Executive does not extend to the allowance of charges prohibited by express law, I have felt it my duty to refer all existing claims to the action of Congress, and to submit to their consideration whether any alteration of the law in this respect is necessary.

III. The allowance of a quarter's salary to ministers and chargés d'affaires to defray their expenses home.

This allowance has been uniformly made, but is without authority by law. Resting in Executive discretion, it has, according to circumstances, been extended to cases where the ministers died abroad, to defray the return of his family, and was recently claimed in a case where the minister had no family, on grounds of general equity. A charge of this description can hardly be regarded as a contingent one, and if allowed at all must be in lieu of salary. As such it is altogether arbitrary, although it is not believed that the interests of the Treasury are, upon the whole, much affected by the substitution. In some cases the allowance is for a longer period than is occupied in the return of the minister; in others, for one somewhat less; and it seems to do away all inducement to unnecessary delay. The subject is, however, susceptible of positive regulation by law, and it is, on many accounts, highly expedient that it should be placed on that footing. I have therefore, without directing any alteration in the existing practice, felt it my duty to bring it to your notice.

IV. Traveling and other expenses in following the court in cases where its residence is not stationary.

The only legations by which expenses of this description are incurred and charged are those to Spain and the Netherlands, and to them they have on several occasions been allowed. Among the documents herewith communicated will be found, with other charges requiring legislative interference, an account for traveling expenses, with a statement of the grounds upon which their reimbursement is claimed. This account has been suspended by the officer of the Treasury to whom its settlement belongs; and as the question will be one of frequent recurrence, I have deemed the occasion a fit one to submit the whole subject to the revision of Congress. The justice of these charges for extraordinary expenses unavoidably incurred has been admitted by former Administrations and the claims allowed. My difficulty grows out of the language of the act of 1810, which expressly declares that the salary and outfit it authorizes to the minister and chargé d'affaires shall be "a compensation for all his personal services and expenses." The items which ordinarily form the contingent expenses of a foreign mission are of a character distinct from the *personal* expenses of the minister. The difficulty of regarding those now referred to in that light is obvious. There are certainly strong considerations of equity in favor of a remuneration for them at the two Courts where they are alone incurred, and if such should be the opinion of Congress it is desirable that authority to make it should be expressly conferred by law rather than continue to rest upon doubtful construction.

V. Charges of consuls for discharging diplomatic functions, without appointment, during a temporary vacancy in the office of chargé d'affaires.

It has sometimes happened that consuls of the United States, upon the occurrence of vacancies at their places of residence in the diplomatic offices of the United States by the death or retirement of our minister or chargé d'affaires, have taken under their care the papers of such missions and usefully discharged diplomatic functions in behalf of their Government and fellow-citizens till the vacancies were regularly filled. In some instances this is stated to have been done to the abandonment of other pursuits and at a considerably increased expense of living. There are existing claims of this description, which can not be finally adjusted or allowed without the sanction of Congress. A particular statement of them accompanies this communication.

The nature of this branch of the public service makes it necessary to commit portions of the expenses incurred in it to Executive discretion; but it is desirable that such portions should be as small as possible. The purity and permanent success of our political institutions depend in a great measure upon definite appropriations and a rigid adherence to the enactments of the Legislature disposing of public money. My desire is to have the subject placed upon a more simple and precise, but not less liberal, footing than it stands on at present, so far as that may be found practicable. An opinion that the salaries allowed by law to our agents abroad are in many cases inadequate is very general, and it is reasonable to suppose that this impression has not been without its influence in the construction of the laws by which those salaries are fixed. There are certainly motives which it is difficult to resist to an increased expense on the part of some of our functionaries abroad greatly beyond that which would be required at home.

Should Congress be of opinion that any alteration for the better can be made, either in the rate of salaries now allowed or in the rank and gradation of our diplomatic agents, or both, the present would be a fit occasion for a revision of the whole subject.

ANDREW JACKSON.

To the Senate and House of Representatives of the United States:

GENTLEMEN: I transmit herewith the annual report of the inspectors of the penitentiary in the District of Columbia, and beg leave to recommend the propriety of providing by law a reasonable compensation for the service of those officers. The act of Congress under which they were commissioned, though it imposes upon them important duties, in the performance of which much time and labor are necessary, is silent as to the compensation which they ought to receive.

ANDREW JACKSON.

FEBRUARY 1, 1830.

FEBRUARY 5, 1830.

To the Senate of the United States:

I herewith communicate to the Senate a letter from the Secretary of War, with the papers which accompany it, in answer to the resolution of the Senate of the 2d February, requesting "so much of a report received from the officer of the United States Army who had command of the detachment for the protection of the caravan of traders to Santa Fe of New Mexico during the last summer as may be proper to be made public and material to be known, devising further means for the security of the inland trade between Missouri and Mexico."

ANDREW JACKSON.

FEBRUARY 12, 1830.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES:

I forward to the House of Representatives, for the information and decision of Congress, a communication to me from the Secretary of War on the subject of the continuation of the Cumberland road.

There being but one plan of the surveys made produces the necessity of making this communication to but one branch of the Legislature. When the question shall be disposed of, I request that the map may be returned to the Secretary of War.

ANDREW JACKSON.

FEBRUARY 18, 1830.

To the House of Representatives:

In pursuance of a resolution of the House of Representatives of the 9th instant, requesting information respecting the accounts of William B. Lawrence as chargé d'affaires of the United States to Great Britain, I have the honor to communicate a report of the Secretary of State, furnishing the desired information.

ANDREW JACKSON.

FEBRUARY 20, 1830.

To the Senate of the United States.

GENTLEMEN: Having seen a report from the Treasury Department, just made to me, that General John Campbell, lately nominated Indian agent, stands recorded as a public defaulter on the books of the Treasury, and being unapprised of this fact when he was nominated to the Senate, I beg leave to withdraw this nomination.

ANDREW JACKSON.

MARCH 1, 1830.

To the Senate of the United States.

GENTLEMEN: In compliance with your resolution of the 4th ultimo, relating to the boundary line between the United States and the Cherokee Nation of Indians, I have duly examined the same, and find that the Executive has no power to alter or correct it.

I therefore return the papers, with a report from the Secretary of War on the subject, for the further deliberation of Congress.

ANDREW JACKSON.

WASHINGTON, *March 9, 1830.*

Gentlemen of the House of Representatives:

I submit to the consideration of Congress a letter of the governor of Virginia, transmitting two acts of the general assembly of that State, respecting the Chesapeake and Ohio Canal Company.

ANDREW JACKSON.

WASHINGTON, *March 9, 1830.*

Gentlemen of the House of Representatives:

I submit to your consideration the memorials of Francis H. Nicoll and John Conard, the latter marshal of the eastern district of Pennsylvania, praying for the interposition and aid of Congress in the discharge of a judgment recovered against him by the said Nicoll, alleging, as defendant in the suit, that he was the mere organ of the United States, and acted by and under the instructions of the Government.

ANDREW JACKSON.

MARCH 10, 1830.

To the Senate of the United States:

GENTLEMEN: In compliance with the resolution of the Senate of the 6th instant, requesting me to "send a copy of the bond entered into and executed by Israel T. Canfield as receiver of public moneys in the now Crawfordsville district, Indiana, together with the names of his securities, to the Senate," I herewith transmit a certified copy of the official bond of Israel T. Canby, and a letter from the Secretary of the Treasury, from which it appears that this is the officer referred to in the resolution.

ANDREW JACKSON.

WASHINGTON, *March 15, 1830.*

To the House of Representatives of the United States:

In pursuance of a resolution of the House of Representatives of the 27th ultimo, calling for information respecting the report of the commissioner for running and marking the line between the United States and Florida under the treaty of 1795, I herewith communicate a report from the Secretary of State, containing the desired information.

ANDREW JACKSON.

MARCH 18, 1830.

To the House of Representatives:

GENTLEMEN: I transmit, for the consideration of Congress, a report from the War Department of a survey* authorized by the act of the 2d of March, 1829.

ANDREW JACKSON.

MARCH 27, 1830.

To the Senate and House of Representatives of the United States.

GENTLEMEN: I transmit, for the consideration of Congress, a letter of the Secretary of the Navy, accompanying the reports of Lieutenants Tattnall and Gedney, who were detailed to make a survey of the Dry Tortugas, and beg leave to call your attention to the importance of the position to the United States as a naval station. I also respectfully recommend that the appropriation necessary to make a scientific examination of its capacities for defense may be granted.

ANDREW JACKSON.

MARCH 31, 1830.

To the House of Representatives.

GENTLEMEN: I respectfully submit to your consideration the accompanying report from the War Department, exhibiting the state of the fortifications at Pea Patch Island and the necessity of further appropriations for the security of that site. The report specifies the improvements deemed proper, and the estimate of their cost.

ANDREW JACKSON.

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* Of ship channel of Penobscot River from Whitehead to Bangor, Me.

APRIL 2, 1830.

To the House of Representatives.

GENTLEMEN: In compliance with a resolution of the House of the 22d ultimo, "requesting the President of the United States to communicate to it any correspondence or information in possession of the Government, and which, in his judgment, the public service will admit of being communicated, touching intrusions, or alleged intrusions, on lands the possession of which is claimed by the Cherokee tribe of Indians, the number of intrusions, if any, and the reasons why they have not been removed; and also any correspondence or information touching outrages alleged to have been committed by Cherokee Indians on citizens of Georgia occupying lands to which the Indian claim has not been extinguished, or by citizens of Georgia on Cherokee Indians," I transmit herewith a report from the Secretary of War, containing the information required.

ANDREW JACKSON.

APRIL 6, 1830.

To the Senate of the United States.

GENTLEMEN: In compliance with the resolution of the Senate of the 5th instant, requesting the President of the United States to transmit to the Senate any record or other information in the Department of War or before the President respecting the conviction of Wharton Rector of any crime in Missouri before his departure for Arkansas, or touching his fitness for the office to which he has been nominated, and any other evidence in the Department relative to the fitness of Wharton Rector for the office of Indian agent, I inclose herewith a report from the Secretary of War.

ANDREW JACKSON.

APRIL 13, 1830.

To the House of Representatives.

GENTLEMEN: I transmit herewith a report from the War Department, in compliance with the resolution of the House of the 18th ultimo, calling for information in relation to the expenses incident to the removal and support of the Indians west of the Mississippi, etc.

ANDREW JACKSON.

APRIL 15, 1830.

To the Senate of the United States.

GENTLEMEN: I submit to the Senate, in compliance with the request in their resolution of the 12th instant, all the communications found in the Department of State touching the character, conduct, and qualifications of John Hamm, which appear or are supposed to have been made while the said Hamm was an applicant for reappointment to the office of marshal of the district of Ohio, in the year 1822.

As that individual has been recently nominated to the Senate to be chargé d'affaires of the United States to the Government of Central America, I take advantage of the occasion to request the Senate to postpone a final decision on his nomination, upon the following grounds: That information, though not official, has just been received at the Department of State of a change having been lately effected in the Government of Central America, which, if confirmed, may make a correspondent change in the appointment necessary, or perhaps render it altogether unnecessary that this Government, under present circumstances, should send a diplomatic agent to that country at all.

ANDREW JACKSON.

APRIL 22, 1830.

To the House of Representatives.

GENTLEMEN: I transmit, for the consideration of Congress, a report from the War Department of a survey* authorized by the act of 2d March, 1829.

ANDREW JACKSON.

APRIL 23, 1830.

To the Senate of the United States.

GENTLEMEN: In compliance with the resolution of the Senate of the 20th instant, I transmit herewith a report† from the Secretary of War.

ANDREW JACKSON.

APRIL 23, 1830.

Gentlemen of the Senate and House of Representatives.

GENTLEMEN: I transmit herewith a report from the Department of War of the survey made of Sandy Bay, Massachusetts, in conformity to the act of 2d March, 1829.

ANDREW JACKSON.

MAY 1, 1830.

To the Senate of the United States.

GENTLEMEN: Finding from the inclosed letter from the Secretary of the Treasury that James C. Dickson, lately nominated to be receiver of public moneys at Mount Salus, Miss., is a defaulter, I beg leave to withdraw his nomination, and to nominate in his place Hiram G. Rennels.

ANDREW JACKSON.

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* Of the harbor of St. Augustine, Fla.

† Transmitting correspondence of June, 1825, relative to treaties with the Osage and Kansas Indians.

MAY 6, 1830.

To the Senate of the United States.

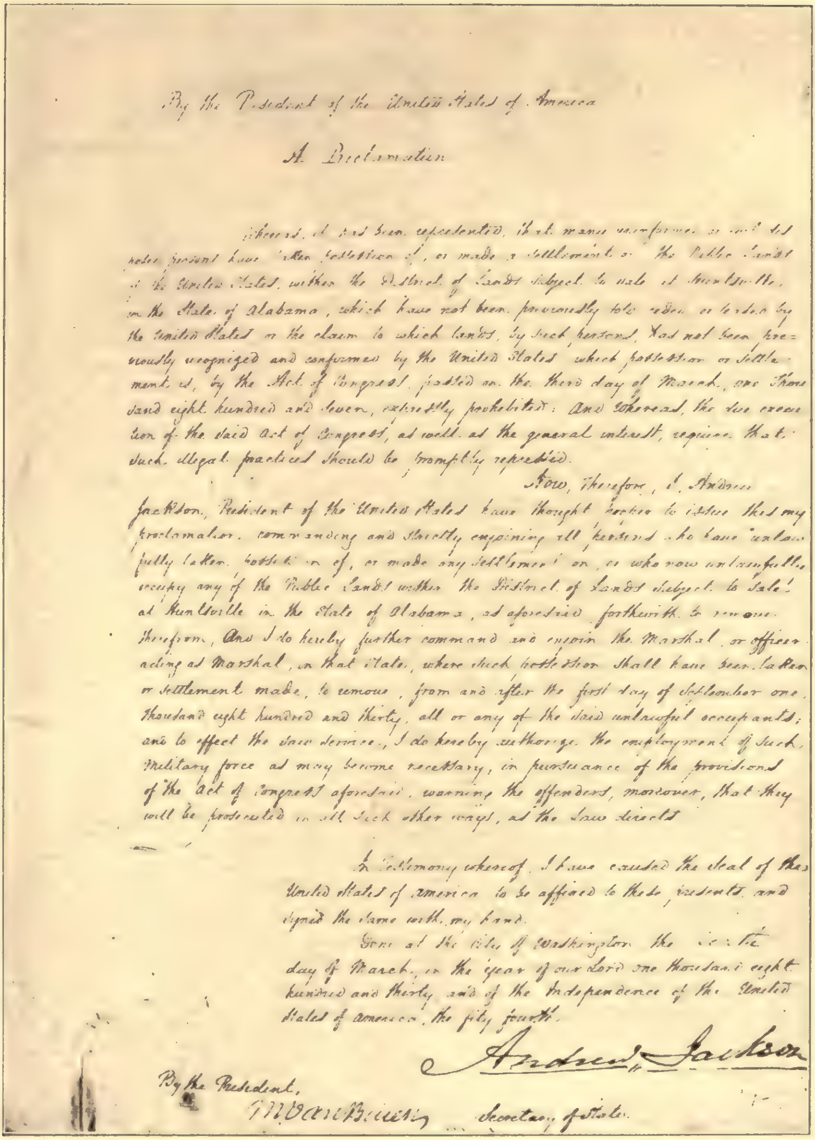
GENTLEMEN: The accompanying propositions, in the form of a treaty, have been recently sent to me by special messenger from the Choctaw Nation of Indians, and since it was received a protest against it has been forwarded. Both evince a desire to cede to the United States all their country east of the Mississippi, and both are here submitted. These measures are the voluntary acts of the Indians themselves. The Government was not represented in the councils which adopted them, nor had it any previous intimation that such steps were in contemplation. The Indians convened of their own accord, settled and executed the propositions contained in the treaty presented to me, and agreed to be bound by them if within three months they should receive the approbation of the President and Senate. The other measure is equally their own.

It is certainly desirous, on various and very pressing accounts, as will appear from the accompanying documents, that some agreement should be concluded with the Indians by which an object so important as their removal beyond the territorial limits of the States may be effected. In settling the terms of such an agreement I am disposed to exercise the utmost liberality, and to concur in any which are consistent with the Constitution and not incompatible with the interests of the United States and their duties to the Indians. I can not, however, regard the terms proposed by the Choctaws to be in all respects of this character; but desirous of concluding an arrangement upon such as are, I have drawn up the accompanying amendments, which I propose to offer to the Choctaws if they meet the approbation of the Senate. The conditions which they offer are such as, in my judgment, will be most likely to be acceptable to both parties and are liable to the fewest objections. Not being tenacious, though, on the subject, I will most cheerfully adopt any modifications which on a frank interchange of opinions my constitutional advisers may suggest and which I shall be satisfied are reconcilable with my official duties.

With these views, I ask the opinion of the Senate upon the following questions:

Will the Senate advise the conclusion of a treaty with the Choctaw Nation according to the terms which they propose? Or will the Senate advise the conclusion of a treaty with that tribe as modified by the alterations suggested by me? If not, what further alteration or modification will the Senate propose?

I am fully aware that in thus resorting to the early practice of the Government, by asking the previous advice of the Senate in the discharge of this portion of my duties, I am departing from a long and for many years an unbroken usage in similar cases. But being satisfied that this resort is consistent with the provisions of the Constitution, that it is strongly recommended in this instance by considerations of expediency,



By the President of the United States of America

A Proclamation

Whereas, it has been represented, that many uninformed or evil disposed persons have taken possession of, or made a settlement on the Public Lands of the United States, within the District of Lands subject to sale at Huntsville, in the State of Alabama, which have not been previously sold, ceded or leased by the United States or the claim to which lands, by such persons, has not been previously recognized and confirmed by the United States which possession or settlement is, by the Act of Congress passed on the third day of March, one thousand eight hundred and seven, expressly prohibited: And Whereas, the due execution of the said Act of Congress, as well as the general interest, require that such illegal practices should be promptly repressed.

Now, therefore, I, Andrew Jackson, President of the United States have thought proper to issue this my proclamation, commanding and strictly enjoining all persons who have unlawfully taken possession of, or made any settlement on, or who now unlawfully occupy any of the Public Lands within the District of Lands subject to sale at Huntsville in the State of Alabama, as aforesaid, forthwith to remove therefrom, And I do hereby further command and enjoin the Marshal, or officer acting as Marshal, in that State, where such possession shall have been taken or settlement made, to remove, from and after the first day of September one thousand eight hundred and thirty, all or any of the said unlawful occupants; and to effect the said service, I do hereby authorize the employment of such military force as may become necessary, in pursuance of the provisions of the Act of Congress aforesaid, warning the offenders, moreover, that they will be prosecuted in all such other ways, as the law directs

In testimony whereof, I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand.

Done at the City of Washington the sixth day of March, in the year of our Lord one thousand eight hundred and thirty, and of the Independence of the United States of America, the fifty fourth.

Andrew Jackson

By the President,
M Van Buren Secretary of State.

PROCLAMATION BY JACKSON, FORBIDDING OCCUPATION OF PUBLIC LANDS.

and that the reasons which have led to the observance of a different practice, though very cogent in negotiations with foreign nations, do not apply with equal force to those made with Indian tribes, I flatter myself that it will not meet the disapprobation of the Senate. Among the reasons for a previous expression of the views of the Senate the following are stated as most prominent:

1. The Indians have requested that their propositions should be submitted to the Senate.

2. The opinion of the Senate in relation to the terms to be proposed will have a salutary effect in a future negotiation, if one should be deemed proper.

3. The Choctaw is one of the most numerous and powerful tribes within our borders, and as the conclusion of a treaty with them may have a controlling effect upon other tribes it is important that its terms should be well considered. Those now proposed by the Choctaws, though objectionable, it is believed are susceptible of modifications which will leave them conformable to the humane and liberal policy which the Government desires to observe toward the Indian tribes, and be at the same time acceptable to them. To be possessed of the views of the Senate on this important and delicate branch of our future negotiations would enable the President to act much more effectively in the exercise of his particular functions. There is also the best reason to believe that measures in this respect emanating from the united counsel of the treaty-making power would be more satisfactory to the American people and to the Indians.

It will be seen that the pecuniary stipulations are large; and in bringing this subject to the consideration of the Senate I may be allowed to remark that the amount of money which may be secured to be paid should, in my judgment, be viewed as of minor importance. If a fund adequate to the object in view can be obtained from the lands which they cede, all the purposes of the Government should be regarded as answered. The great desideratum is the removal of the Indians and the settlement of the perplexing question involved in their present location—a question in which several of the States of this Union have the deepest interest, and which, if left undecided much longer, may eventuate in serious injury to the Indians.

ANDREW JACKSON.

MAY 13, 1830.

To the House of Representatives.

GENTLEMEN: The inclosed documents will present to Congress the necessity of some legislative provision by which to prevent the offenses to which they refer. At present it appears there is no law existing for the punishment of persons guilty of interrupting the public surveyors when engaged in the performance of the trusts confided to them. I suggest, therefore, for your consideration the propriety of adopting some provision, with adequate penalties, to meet the case.

ANDREW JACKSON.

MAY 13, 1830.

To the House of Representatives.

GENTLEMEN: I have the honor, in compliance with a resolution of your House of the 10th ultimo, to transmit the inclosed documents, which furnish all the information of the steps that have been taken and plans procured for the erection of a radiating marine railway for the repair of sloops of war at the navy-yard at Pensacola.

ANDREW JACKSON.

MAY 14, 1830.

To the Senate and House of Representatives of the United States.

GENTLEMEN: I herewith transmit to Congress the report of the engineer employed to survey the bar at the mouth of Sag Harbor, to ascertain the best method of preventing the harbor being filled up with sand, and the cost of the same, authorized by the act of the 2d of March, 1829.

ANDREW JACKSON.

MAY 21, 1830.

To the Senate of the United States.

GENTLEMEN: It having been represented to me that some of the members of the Senate voted against the confirmation of the appointment of Major M. M. Noah as surveyor of the port of New York through misapprehension, and having received the accompanying letter and memorial from a number of the most respectable merchants and citizens of that city, setting forth his fitness for the office, I therefore renominate him to the Senate as surveyor of the customs for the port of New York.

ANDREW JACKSON.

MAY 25, 1830.

To the House of Representatives.

GENTLEMEN: I transmit herewith, for the use of the House, the report of a survey* made in compliance with the act of the 2d of March, 1829.

ANDREW JACKSON.

WASHINGTON, *May 26, 1830.*

To the Senate and House of Representatives of the United States.

GENTLEMEN: I think it my duty to inform you that I am daily expecting the definitive answer of the British Government to a proposition which has been submitted to it by this, upon the subject of the colonial trade.

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* Of the harbors of Stamford and Norwalk, Conn.

This communication has been delayed by a confident belief that the answer referred to would have been received early enough to have admitted of its submission to you in sufficient season for the final action of Congress at its present session, and is now induced by an apprehension that although the packet by which it was intended to be sent is hourly expected, its arrival may, nevertheless, be delayed until after your adjournment.

Should this branch of the negotiation committed to our minister be successful, the present interdict would, nevertheless, be necessarily continued until the next session of Congress, as the President has in no event authority to remove it.

Although no decision had been made at the date of our last advices from Mr. McLane, yet from the general character of the interviews between him and those of His Majesty's ministers whose particular duty it was to confer with him on the subject there is sufficient reason to expect a favorable result to justify me in submitting to you the propriety of providing for a decision in the recess.

This may be done by authorizing the President, in case an arrangement can be effected upon such terms as Congress would approve, to carry the same into effect on our part by proclamation, or, if it should be thought advisable, to execute the views of Congress by like means in the event of an unfavorable decision.

Any information in the possession of the Executive which you may deem necessary to guide your deliberations, and which it may, under existing circumstances, be proper to communicate, shall be promptly laid before you, if required.

ANDREW JACKSON.

WASHINGTON, *May 27, 1830.*

To the Senate of the United States:

It is gratifying to me to be able to communicate to the Senate before the termination of its present session, for its advice and consent as to the ratification of it, a convention just received at the Department of State between the United States and His Majesty the King of Denmark, which was negotiated on the part of the former by Mr. Henry Wheaton, their chargé d'affaires at the Court of Denmark, and on that of the latter by the Sieurs Henry Count de Schemmelman, his minister of foreign affairs, and Paul Christian de Stemann, president of his chancery, and concluded and signed by these plenipotentiaries at Copenhagen on the 28th of March of the present year.

The convention provides by compromise for the adjustment and payment of indemnities to no inconsiderable amount, long sought from the Government of Denmark by that of the United States, in behalf of their citizens who had preferred claims for the same, relating to the seizure, detention, and condemnation or confiscation of their vessels, cargoes, or property by the public armed ships or by the tribunals of Denmark or in the states subject to the Danish scepter; and there is every reason to believe, as the Senate will infer from the correspondence which accompanies this communication, that the proposed arrangement will prove entirely satisfactory to them.

ANDREW JACKSON.

MAY 28, 1830.

To the Senate of the United States.

GENTLEMEN: For the reasons expressed in the inclosed note, I renominate Wharton Rector to be agent for the Shawnee and Delaware Indians.

ANDREW JACKSON.

The PRESIDENT OF THE UNITED STATES.

SIR: The rejection of Colonel Rector by the Senate took place in the absence of Mr. McLean and myself. We were both confined to our rooms by illness. Had we been present his nomination would have been confirmed. I believe that if he were again placed before the Senate his nomination would be confirmed, and should therefore be pleased if he could be again nominated.

I have the honor to be, your obedient servant,

J. ROWAN.

MAY 29, 1830.

To the House of Representatives.

GENTLEMEN: Having approved and signed a resolution, originating in the House of Representatives, which provides "that the pay, subsistence, emoluments, and allowances received by the officers of the Marine Corps previous to the 1st of April, 1829, be, and the same is hereby, directed to be continued to them from that date up to the 28th of February, 1831," it becomes my duty to call the attention of Congress to the fact that the estimates for that branch of the public service submitted to them at the commencement of the present session were made with reference to the pay, subsistence, emoluments, and allowances provided for by law, and excluding those which previously to the 1st of April, 1829, had been made on the authority of the Department alone, and to suggest the propriety of an appropriation to meet the increased expenditure.

ANDREW JACKSON.

WASHINGTON, *May 29, 1830.*

To the Senate of the United States:

I submit herewith a report* from the Secretary of the Treasury, giving the information called for by a resolution of the Senate of the 3d of March, 1829.

ANDREW JACKSON.

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* Transmitting statements of lands appropriated by Congress for specific objects within the several States, etc.; disbursements made within the several States and Territories from the commencement of the Government to December 31, 1828; value of exports from the commencement of the Government to September 30, 1828.

MAY 30, 1830.

To the Senate and House of Representatives of the United States.

GENTLEMEN: I have approved and signed the bill entitled "An act making appropriations for examinations and surveys, and also for certain works of internal improvement," but as the phraseology of the section which appropriates the sum of $8,000 for the road from Detroit to Chicago may be construed to authorize the application of the appropriation for the continuance of the road beyond the limits of the Territory of Michigan, I desire to be understood as having approved this bill with the understanding that the road authorized by this section is not to be extended beyond the limits of the said Territory.

ANDREW JACKSON.

VETO MESSAGES.

MAY 27, 1830.

To the House of Representatives.

GENTLEMEN: I have maturely considered the bill proposing to authorize "a subscription of stock in the Maysville, Washington, Paris, and Lexington Turnpike Road Company," and now return the same to the House of Representatives, in which it originated, with my objections to its passage.

Sincerely friendly to the improvement of our country by means of roads and canals, I regret that any difference of opinion in the mode of contributing to it should exist between us; and if in stating this difference I go beyond what the occasion may be deemed to call for, I hope to find an apology in the great importance of the subject, an unfeigned respect for the high source from which this branch of it has emanated, and an anxious wish to be correctly understood by my constituents in the discharge of all my duties. Diversity of sentiment among public functionaries actuated by the same general motives, on the character and tendency of particular measures, is an incident common to all Governments, and the more to be expected in one which, like ours, owes its existence to the freedom of opinion, and must be upheld by the same influence. Controlled as we thus are by a higher tribunal, before which our respective acts will be canvassed with the indulgence due to the imperfections of our nature, and with that intelligence and unbiased judgment which are the true correctives of error, all that our responsibility demands is that the public good should be the measure of our views, dictating alike their frank expression and honest maintenance.

In the message which was presented to Congress at the opening of its present session I endeavored to exhibit briefly my views upon the important and highly interesting subject to which our attention is now to be directed. I was desirous of presenting to the representatives of the several States in Congress assembled the inquiry whether some mode could not be devised which would reconcile the diversity of opinion concerning the powers of this Government over the subject of internal improvement, and the manner in which these powers, if conferred by the Constitution, ought to be exercised. The act which I am called upon to consider has, therefore, been passed with a knowledge of my views on this question, as these are expressed in the message referred to. In that document the following suggestions will be found:

> After the extinction of the public debt it is not probable that any adjustment of the tariff upon principles satisfactory to the people of the Union will until a remote period, if ever, leave the Government without a considerable surplus in the Treasury beyond what may be required for its current service. As, then, the period approaches when the application of the revenue to the payment of debt will cease, the disposition of the surplus will present a subject for the serious deliberation of Congress; and it may be fortunate for the country that it is yet to be decided. Considered in connection with the difficulties which have heretofore attended appropriations for purposes of internal improvement, and with those which this experience tells us will certainly arise whenever power over such subjects may be exercised by the General Government, it is hoped that it may lead to the adoption of some plan which will reconcile the diversified interests of the States and strengthen the bonds which unite them. Every member of the Union, in peace and in war, will be benefited by the improvement of inland navigation and the construction of highways in the several States. Let us, then, endeavor to attain this benefit in a mode which will be satisfactory to all. That hitherto adopted has by many of our fellow-citizens been deprecated as an infraction of the Constitution, while by others it has been viewed as inexpedient. All feel that it has been employed at the expense of harmony in the legislative councils.

And adverting to the constitutional power of Congress to make what I considered a proper disposition of the surplus revenue, I subjoined the following remarks:

> To avoid these evils it appears to me that the most safe, just, and federal disposition which could be made of the surplus revenue would be its apportionment among the several States according to their ratio of representation, and should this measure not be found warranted by the Constitution that it would be expedient to propose to the States an amendment authorizing it.

The constitutional power of the Federal Government to construct or promote works of internal improvement presents itself in two points of view—the first as bearing upon the sovereignty of the States within whose limits their execution is contemplated, if jurisdiction of the territory which they may occupy be claimed as necessary to their preservation and use; the second as asserting the simple right to appropriate money from the National Treasury in aid of such works when undertaken by State authority, surrendering the claim of jurisdiction. In the first view the question of power is an open one, and can be decided without the embarrassments attending the other, arising from the practice of the Government. Although frequently and strenuously attempted, the power to this extent has never been exercised by the Government in a single instance. It does not, in my opinion, possess it; and no bill, therefore, which admits it can receive my official sanction.

But in the other view of the power the question is differently situated. The ground taken at an early period of the Government was "that whenever money has been raised by the general authority and is to be applied to a particular measure, a question arises whether the particular measure be within the enumerated authorities vested in Congress. If it be, the money requisite for it may be applied to it; if not, no such application can be made." The document in which this principle was first advanced is of deservedly high authority, and should be held in grateful remembrance for its immediate agency in rescuing the country from much existing abuse and for its conservative effect upon some of the most valuable principles of the Constitution. The symmetry and purity of the Government would doubtless have been better preserved if this restriction of the power of appropriation could have been maintained without weakening its ability to fulfill the general objects of its institution, an effect so likely to attend its admission, notwithstanding its apparent fitness, that every subsequent Administration of the Government, embracing a period of thirty out of the forty-two years of its existence, has adopted a more enlarged construction of the power. It is not my purpose to detain you by a minute recital of the acts which sustain this assertion, but it is proper that I should notice some of the most prominent in order that the reflections which they suggest to my mind may be better understood.

In the Administration of Mr. Jefferson we have two examples of the exercise of the right of appropriation, which in the considerations that led to their adoption and in their effects upon the public mind have had a greater agency in marking the character of the power than any subsequent events. I allude to the payment of $15,000,000 for the purchase of Louisiana and to the original appropriation for the construction of the Cumberland road, the latter act deriving much weight from the acquiescence and approbation of three of the most powerful of the original members of the Confederacy, expressed through their respective legislatures. Although the circumstances of the latter case may be such as to deprive so much of it as relates to the actual construction of the road of the force of an obligatory exposition of the Constitution, it must, nevertheless, be admitted that so far as the mere appropriation of money is concerned they present the principle in its most imposing aspect. No less than twenty-three different laws have been passed, through all the forms of the Constitution, appropriating upward of $2,500,000 out of the National Treasury in support of that improvement, with the approbation of every President of the United States, including my predecessor since its commencement.

Independently of the sanction given to appropriations for the Cumberland and other roads and objects under this power, the Administration of Mr. Madison was characterized by an act which furnishes the strongest evidence of his opinion of its extent. A bill was passed through both Houses of Congress and presented for his approval, "setting apart and pledging certain funds for constructing roads and canals and improving the navigation of water courses, in order to facilitate, promote, and give security to internal commerce among the several States and to render more easy and less expensive the means and provisions for the common defense." Regarding the bill as asserting a power in the Federal Government to construct roads and canals within the limits of the States in which they were made, he objected to its passage on the ground of its unconstitutionality, declaring that the assent of the respective States in the mode provided by the bill could not confer the power in question; that the only cases in which the consent and cession of particular States can extend the power of Congress are those specified and provided for in the Constitution, and superadding to these avowals his opinion that "a restriction of the power 'to provide for the common defense and general welfare' to cases which are to be provided for by the expenditure of money would still leave within the legislative power of Congress all the great and most important measures of Government, money being the ordinary and necessary means of carrying them into execution." I have not been able to consider these declarations in any other point of view than as a concession that the right of appropriation is not limited by the power to carry into effect the measure for which the money is asked, as was formerly contended.

The views of Mr. Monroe upon this subject were not left to inference. During his Administration a bill was passed through both Houses of Congress conferring the jurisdiction and prescribing the mode by which the Federal Government should exercise it in the case of the Cumberland road. He returned it with objections to its passage, and in assigning them took occasion to say that in the early stages of the Government he had inclined to the construction that it had no right to expend money except in the performance of acts authorized by the other specific grants of power, according to a strict construction of them, but that on further reflection and observation his mind had undergone a change; that his opinion then was "that Congress have an unlimited power to raise money, and that in its appropriation they have a discretionary power, restricted only by the duty to appropriate it to purposes of common defense, and of general, not local, national, not State, benefit;" and this was avowed to be the governing principle through the residue of his Administration. The views of the last Administration are of such recent date as to render a particular reference to them unnecessary. It is well known that the appropriating power, to the utmost extent which had been claimed for it, in relation to internal improvements was fully recognized and exercised by it.

This brief reference to known facts will be sufficient to show the difficulty, if not impracticability of bringing back the operations of the Government to the construction of the Constitution set up in 1798, assuming that to be its true reading in relation to the power under consideration, thus giving an admonitory proof of the force of implication and the necessity of guarding the Constitution with sleepless vigilance against the authority of precedents which have not the sanction of its most plainly defined powers; for although it is the duty of all to look to that sacred instrument instead of the statute book, to repudiate at all times encroachments upon its spirit, which are too apt to be effected by the conjuncture of peculiar and facilitating circumstances, it is not less true that the public good and the nature of our political institutions require that individual differences should yield to a well-settled acquiescence of the people and confederated authorities in particular constructions of the Constitution on doubtful points. Not to concede this much to the spirit of our institutions would impair their stability and defeat the objects of the Constitution itself.

The bill before me does not call for a more definite opinion upon the particular circumstances which will warrant appropriations of money by Congress to aid works of internal improvement, for although the extension of the power to apply money beyond that of carrying into effect the object for which it is appropriated has, as we have seen, been long claimed and exercised by the Federal Government, yet such grants have always been professedly under the control of the general principle that the works which might be thus aided should be "of a general, not local, national, not State," character. A disregard of this distinction would of necessity lead to the subversion of the federal system. That even this is an unsafe one, arbitrary in its nature, and liable, consequently, to great abuses, is too obvious to require the confirmation of experience. It is, however, sufficiently definite and imperative to my mind to forbid my approbation of any bill having the character of the one under consideration. I have given to its provisions all the reflection demanded by a just regard for the interests of those of our fellow-citizens who have desired its passage, and by the respect which is due to a coordinate branch of the Government, but I am not able to view it in any other light than as a measure of purely local character; or, if it can be considered national, that no further distinction between the appropriate duties of the General and State Governments need be attempted, for there can be no local interest that may not with equal propriety be denominated national. It has no connection with any established system of improvements; is exclusively within the limits of a State, starting at a point on the Ohio River and running out 60 miles to an interior town, and even as far as the State is interested conferring partial instead of general advantages.

Considering the magnitude and importance of the power, and the embarrassments to which, from the very nature of the thing, its exercise must necessarily be subjected, the real friends of internal improvement ought not to be willing to confide it to accident and chance. What is properly *national* in its character or otherwise is an inquiry which is often extremely difficult of solution. The appropriations of one year for an object which is considered national may be rendered nugatory by the refusal of a succeeding Congress to continue the work on the ground that it is local. No aid can be derived from the intervention of corporations. The question regards the character of the work, not that of those by whom it is to be accomplished. Notwithstanding the union of the Government with the corporation by whose immediate agency any work of internal improvement is carried on, the inquiry will still remain, Is it national and conducive to the benefit of the whole, or local and operating only to the advantage of a portion of the Union?

But although I might not feel it to be my official duty to interpose the Executive veto to the passage of a bill appropriating money for the construction of such works as are authorized by the States and are national in their character, I do not wish to be understood as expressing an opinion that it is expedient at this time for the General Government to embark in a system of this kind; and anxious that my constituents should be possessed of my views on this as well as on all other subjects which they have committed to my discretion, I shall state them frankly and briefly. Besides many minor considerations, there are two prominent views of the subject which have made a deep impression upon my mind, which, I think, are well entitled to your serious attention, and will, I hope, be maturely weighed by the people.

From the official communication submitted to you it appears that if no adverse and unforeseen contingency happens in our foreign relations and no unusual diversion be made of the funds set apart for the payment of the national debt we may look with confidence to its entire extinguishment in the short period of four years. The extent to which this pleasing anticipation is dependent upon the policy which may be pursued in relation to measures of the character of the one now under consideration must be obvious to all, and equally so that the events of the present session are well calculated to awaken public solicitude upon the subject. By the statement from the Treasury Department and those from the clerks of the Senate and House of Representatives, herewith submitted, it appears that the bills which have passed into laws, and those which in all probability will pass before the adjournment of Congress, anticipate appropriations which, with the ordinary expenditures for the support of Government, will exceed considerably the amount in the Treasury for the year 1830. Thus, whilst we are diminishing the revenue by a reduction of the duties on tea, coffee, and cocoa the appropriations for internal improvement are increasing beyond the available means of the Treasury. And if to this calculation be added the amounts contained in bills which are pending before the two Houses, it may be safely affirmed that $10,000,000 would not make up the excess over the Treasury receipts, unless the payment of the national debt be postponed and the means now pledged to that object applied to those enumerated in these bills. Without a well-regulated system of internal improvement this exhausting mode of appropriation is not likely to be avoided, and the plain consequence must be either a continuance of the national debt or a resort to additional taxes.

Although many of the States, with a laudable zeal and under the influence of an enlightened policy, are successfully applying their separate efforts to works of this character, the desire to enlist the aid of the General Government in the construction of such as from their nature ought to devolve upon it, and to which the means of the individual States are inadequate, is both rational and patriotic, and if that desire is not gratified now it does not follow that it never will be. The general intelligence and public spirit of the American people furnish a sure guaranty that at the proper time this policy will be made to prevail under circumstances more auspicious to its successful prosecution than those which now exist. But great as this object undoubtedly is, it is not the only one which demands the fostering care of the Government. The preservation and success of the republican principle rest with us. To elevate its character and extend its influence rank among our most important duties, and the best means to accomplish this desirable end are those which will rivet the attachment of our citizens to the Government of their choice by the comparative lightness of their public burthens and by the attraction which the superior success of its operations will present to the admiration and respect of the world. Through the favor of an overruling and indulgent Providence our country is blessed with general prosperity and our citizens exempted from the pressure of taxation, which other less favored portions of the human family are obliged to bear; yet it is true that many of the taxes collected from our citizens through the medium of imposts have for a considerable period been onerous. In many particulars these taxes have borne severely upon the laboring and less prosperous classes of the community, being imposed on the necessaries of life, and this, too, in cases where the burthen was not relieved by the consciousness that it would ultimately contribute to make us independent of foreign nations for articles of prime necessity by the encouragement of their growth and manufacture at home. They have been cheerfully borne because they were thought to be necessary to the support of Government and the payment of the debts unavoidably incurred in the acquisition and maintenance of our national rights and liberties. But have we a right to calculate on the same cheerful acquiescence when it is known that the necessity for their continuance would cease were it not for irregular, improvident, and unequal appropriations of the public funds? Will not the people demand, as they have a right to do, such a prudent system of expenditure as will pay the debts of the Union and authorize the reduction of every tax to as low a point as the wise observance of the necessity to protect that portion of our manufactures and labor whose prosperity is essential to our national safety and independence will allow? When the national debt is paid, the duties upon those articles which we do not raise may be repealed with safety, and still leave, I trust, without oppression to any section of the country, an accumulating surplus fund, which may be beneficially applied to some well-digested system of improvement.

Under this view the question as to the manner in which the Federal Government can or ought to embark in the construction of roads and canals, and the extent to which it may impose burthens on the people for these purposes, may be presented on its own merits, free of all disguise and of every embarrassment, except such as may arise from the Constitution itself. Assuming these suggestions to be correct, will not our constituents require the observance of a course by which they can be effected? Ought they not to require it? With the best disposition to aid, as far as I can conscientiously, in furtherance of works of internal improvement, my opinion is that the soundest views of national policy at this time point to such a course. Besides the avoidance of an evil influence upon the local concerns of the country, how solid is the advantage which the Government will reap from it in the elevation of its character! How gratifying the effect of presenting to the world the sublime spectacle of a Republic of more than 12,000,000 happy people, in the fifty-fourth year of her existence, after having passed through two protracted wars—the one for the acquisition and the other for the maintenance of liberty—free from debt and with all her immense resources unfettered! What a salutary influence would not such an exhibition exercise upon the cause of liberal principles and free government throughout the world! Would we not ourselves find in its effect an additional guaranty that our political institutions will be transmitted to the most remote posterity without decay? A course of policy destined to witness events like these can not be benefited by a legislation which tolerates a scramble for appropriations that have no relation to any general system of improvement, and whose good effects must of necessity be very limited. In the best view of these appropriations, the abuses to which they lead far exceed the good which they are capable of promoting. They may be resorted to as artful expedients to shift upon the Government the losses of unsuccessful private speculation, and thus, by ministering to personal ambition and self-aggrandizement, tend to sap the foundations of public virtue and taint the administration of the Government with a demoralizing influence.

In the other view of the subject, and the only remaining one which it is my intention to present at this time, is involved the expediency of embarking in a system of internal improvement without a previous amendment of the Constitution explaining and defining the precise powers of the Federal Government over it. Assuming the right to appropriate money to aid in the construction of national works to be warranted by the cotemporaneous and continued exposition of the Constitution, its insufficiency for the successful prosecution of them must be admitted by all candid minds. If we look to usage to define the extent of the right, that will be found so variant and embracing so much that has been overruled as to involve the whole subject in great uncertainty and to render the execution of our respective duties in relation to it replete with difficulty and embarrassment. It is in regard to such works and the acquisition of additional territory that the practice obtained its first footing. In most, if not all, other disputed questions of appropriation the construction of the Constitution may be regarded as unsettled if the right to apply money in the enumerated cases is placed on the ground of usage.

This subject has been one of much, and, I may add, painful, reflection to me. It has bearings that are well calculated to exert a powerful influence upon our hitherto prosperous system of government, and which, on some accounts, may even excite despondency in the breast of an American citizen. I will not detain you with professions of zeal in the cause of internal improvements. If to be their friend is a virtue which deserves commendation, our country is blessed with an abundance of it, for I do not suppose there is an intelligent citizen who does not wish to see them flourish. But though all are their friends, but few, I trust, are unmindful of the means by which they should be promoted; none certainly are so degenerate as to desire their success at the cost of that sacred instrument with the preservation of which is indissolubly bound our country's hopes. If different impressions are entertained in any quarter; if it is expected that the people of this country, reckless of their constitutional obligations, will prefer their local interest to the principles of the Union, such expectations will in the end be disappointed; or if it be not so, then indeed has the world but little to hope from the example of free government. When an honest observance of constitutional compacts can not be obtained from communities like ours, it need not be anticipated elsewhere, and the cause in which there has been so much martyrdom, and from which so much was expected by the friends of liberty, may be abandoned, and the degrading truth that man is unfit for self-government admitted. And this will be the case if *expediency* be made a rule of construction in interpreting the Constitution. Power in no government could desire a better shield for the insidious advances which it is ever ready to make upon the checks that are designed to restrain its action.

But I do not entertain such gloomy apprehensions. If it be the wish of the people that the construction of roads and canals should be conducted by the Federal Government, it is not only highly expedient, but indispensably necessary, that a previous amendment of the Constitution, delegating the necessary power and defining and restricting its exercise with reference to the sovereignty of the States, should be made. Without it nothing extensively useful can be effected. The right to exercise as much jurisdiction as is necessary to preserve the works and to raise funds by the collection of tolls to keep them in repair can not be dispensed with. The Cumberland road should be an instructive admonition of the consequences of acting without this right. Year after year contests are witnessed, growing out of efforts to obtain the necessary appropriations for completing and repairing this useful work. Whilst one Congress may claim and exercise the power, a succeeding one may deny it; and this fluctuation of opinion must be unavoidably fatal to any scheme which from its extent would promote the interests and elevate the character of the country. The experience of the past has shown that the opinion of Congress is subject to such fluctuations.

If it be the desire of the people that the agency of the Federal Government should be confined to the appropriation of money in aid of such undertakings, in virtue of State authorities, then the occasion, the manner, and the extent of the appropriations should be made the subject of constitutional regulation. This is the more necessary in order that they may be equitable among the several States, promote harmony between different sections of the Union and their representatives, preserve other parts of the Constitution from being undermined by the exercise of doubtful powers or the too great extension of those which are not so, and protect the whole subject against the deleterious influence of combinations to carry by concert measures which, considered by themselves, might meet but little countenance.

That a constitutional adjustment of this power upon equitable principles is in the highest degree desirable can scarcely be doubted, nor can it fail to be promoted by every sincere friend to the success of our political institutions. In no government are appeals to the source of power in cases of real doubt more suitable than in ours. No good motive can be assigned for the exercise of power by the constituted authorities, while those for whose benefit it is to be exercised have not conferred it and may not be willing to confer it. It would seem to me that an honest application of the conceded powers of the General Government to the advancement of the common weal present a sufficient scope to satisfy a reasonable ambition. The difficulty and supposed impracticability of obtaining an amendment of the Constitution in this respect is, I firmly believe, in a great degree unfounded. The time has never yet been when the patriotism and intelligence of the American people were not fully equal to the greatest exigency, and it never will when the subject calling forth their interposition is plainly presented to them. To do so with the questions involved in this bill, and to urge them to an early, zealous, and full consideration of their deep importance, is, in my estimation, among the highest of our duties.

A supposed connection between appropriations for internal improvement and the system of protecting duties, growing out of the anxieties of those more immediately interested in their success, has given rise to suggestions which it is proper I should notice on this occasion. My opinions on these subjects have never been concealed from those who had a right to know them. Those which I have entertained on the latter have frequently placed me in opposition to individuals as well as communities whose claims upon my friendship and gratitude are of the strongest character, but I trust there has been nothing in my public life which has exposed me to the suspicion of being thought capable of sacrificing my views of duty to private considerations, however strong they may have been or deep the regrets which they are capable of exciting.

As long as the encouragement of domestic manufactures is directed to national ends it shall receive from me a temperate but steady support. There is no necessary connection between it and the system of appropriations. On the contrary, it appears to me that the supposition of their dependence upon each other is calculated to excite the prejudices of the public against both. The former is sustained on the grounds of its consistency with the letter and spirit of the Constitution, of its origin being traced to the assent of all the parties to the original compact, and of its having the support and approbation of a majority of the people, on which account it is at least entitled to a fair experiment. The suggestions to which I have alluded refer to a forced continuance of the national debt by means of large appropriations as a substitute for the security which the system derives from the principles on which it has hitherto been sustained. Such a course would certainly indicate either an unreasonable distrust of the people or a consciousness that the system does not possess sufficient soundness for its support if left to their voluntary choice and its own merits. Those who suppose that any policy thus founded can be long upheld in this country have looked upon its history with eyes very different from mine. This policy, like every other, must abide the will of the people, who will not be likely to allow any device, however specious, to conceal its character and tendency.

In presenting these opinions I have spoken with the freedom and candor which I thought the occasion for their expression called for, and now respectfully return the bill which has been under consideration for your further deliberation and judgment.

ANDREW JACKSON.

WASHINGTON, *May 31, 1830.*

To the Senate of the United States.

GENTLEMEN: I have considered the bill proposing "to authorize a subscription of stock in the Washington Turnpike Road Company," and now return the same to the Senate, in which it originated.

I am unable to approve this bill, and would respectfully refer the

Senate to my message to the House of Representatives on returning to that House the bill "to authorize a subscription of stock in the Maysville, Washington, Paris and Lexington Turnpike Road Company" for a statement of my objections to the bill herewith returned. The message referred to bears date on the 27th instant, and a printed copy of the same is herewith transmitted.

ANDREW JACKSON.

[NOTE.—For reasons for the pocket vetoes of "An act for making appropriations for building light-houses, light-boats, beacons, and monuments, placing buoys, and for improving harbors and directing surveys," and "An act to authorize a subscription for stock in the Louisville and Portland Canal Company," see Second Annual Message, dated December 6, 1830, p. 1063.]

PROCLAMATIONS.

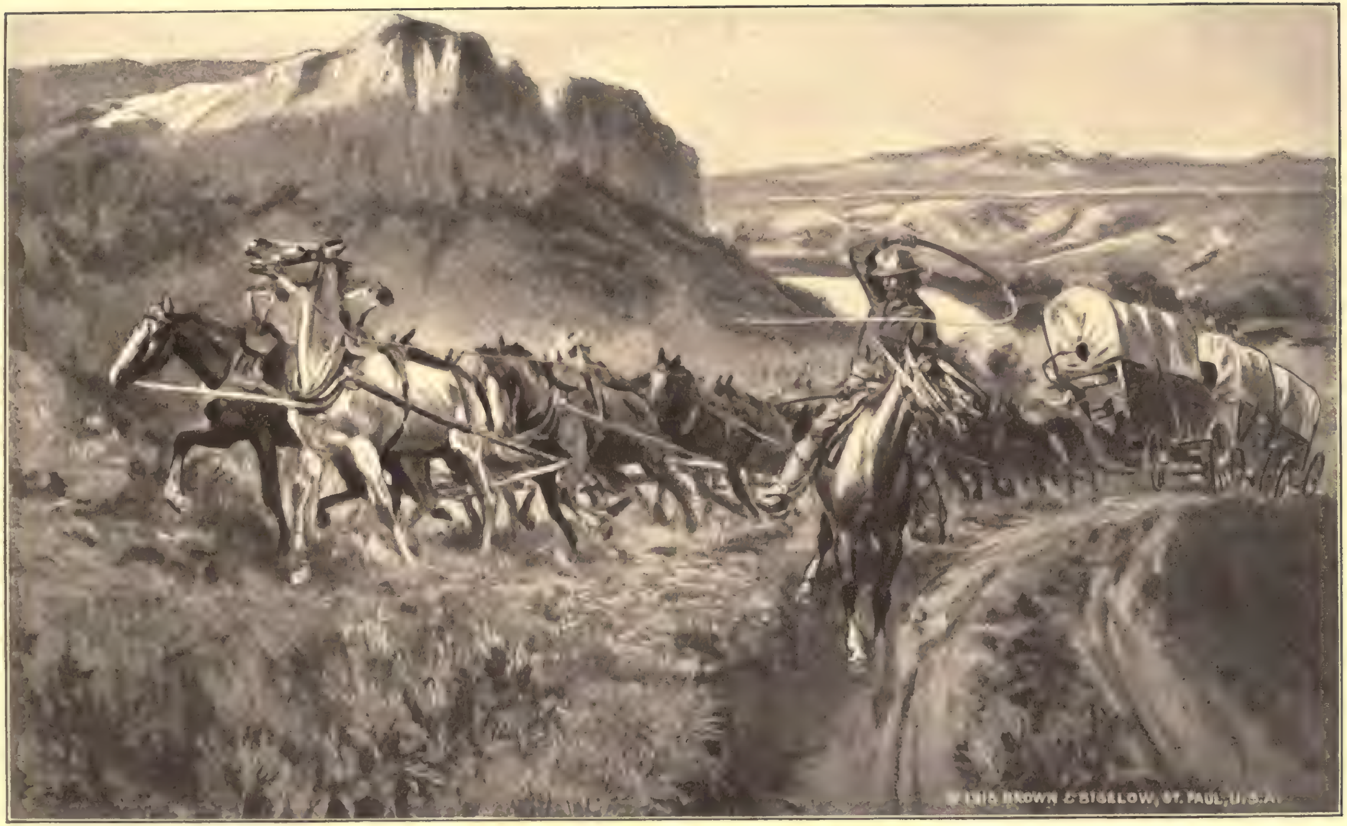
BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it has been represented that many uninformed or evil-disposed persons have taken possession of or made a settlement on the public lands of the United States within the district of lands subject to sale at Huntsville, in the State of Alabama, which have not been previously sold, ceded, or leased by the United States, or the claim to which lands by such persons has not been previously recognized and confirmed by the United States, which possession or settlement is, by the act of Congress passed on the 3d day of March, 1807, expressly prohibited; and

Whereas the due execution of the said act of Congress, as well as the general interest, requires that such illegal practices should be promptly repressed:

Now, therefore, I, Andrew Jackson, President of the United States, have thought proper to issue this my proclamation, commanding and strictly enjoining all persons who have unlawfully taken possession of or made any settlement on, or who now unlawfully occupy, any of the public lands within the district of lands subject to sale at Huntsville, in the State of Alabama, as aforesaid, forthwith to remove therefrom; and I do hereby further command and enjoin the marshal, or officer acting as marshal, in that State, where such possession shall have been taken or settlement made, to remove, from and after the 1st day of September, 1830, all or any of the said unlawful occupants; and to effect the said service I do hereby authorize the employment of such military force as may become necessary in pursuance of the provisions of the act of Con-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EMIGRATING TO THE WESTERN RESERVE

MIGRATION, SETTLEMENT AND IMPROVEMENT

The settled territory of the United States in 1790 amounted to about 240,000 square miles. In 1812 it amounted to about 400,000 square miles, and roughly speaking, four-fifths of the whole area of the United States had not a white settler upon it. There was a constant westward movement from the New England States and Pennsylvania and Maryland into Western New York, where it deployed and scattered. Another stream of emigrants moved into the Ohio Valley, settled all southern Ohio, overrun into Kentucky and Tennessee, and as fast as the Indians were pushed back, populated Indian Territory. Stragglers, in 1812, were pushing southward into Alabama. The manner of transportation is shown in the upper panel.

The rapidity of the movement and the vastness of the area made it impossible for the States to cut half the roads, build half the bridges or clear half the streams necessary for easy communication and trade. An effort was made, however, with some success. Several of the States ceased spending money on roads, bridges and waterways in the populous sections and spent all available funds on the new and wildest areas. The citizens of the older towns then organized corporations for the construction and management of pikes, bridges and canals.

Between 1790 and 1812, the population increased from 3,250,000 to 7,250,000; five States had been added to the original thirteen; and five Territories had been established.

See the Encyclopedic Index articles, entitled "Western Reserve," "Internal Improvements," and the allied subjects mentioned therein. The number of presidential references to these topics is an excellent indication of the thoroughness with which they have, in their official documents, described the condition of the country.

gress aforesaid, warning the offenders, moreover, that they will be prosecuted in all such other ways as the law directs.

In testimony whereof I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand.

[SEAL.] Done at the city of Washington, the 6th day of March, A. D. 1830, and of the Independence of the United States of America the fifty-fourth.

ANDREW JACKSON.

By the President:

M. VAN BUREN,
Secretary of State.

[From original in General Land Office.]

BY THE PRESIDENT OF THE UNITED STATES.

In pursuance of law, I, Andrew Jackson, President of the United States of America, do hereby declare and make known that public sales will be held at the under-mentioned land offices, in the State of Louisiana, at the periods designated, to wit:

At the land office at New Orleans on the first Monday in November next, for the disposal of such of the public lands within the limits of the under-mentioned fractional townships as are not covered by private land claims, viz:

Fractional townships 6, 7, and 9 south, of range 12 east; fractional townships 9 and 10 south, of range 13 east; fractional township 11 south, of range 15 east; fractional township 12 south, of range 16 east; fractional township 12 south, of ranges 20 and 21 east; fractional township 13 south, of range 21 east.

The above-described lands are adjacent to and binding on the Mississippi River.

At the land office at Ouachita, on the third Monday in November next, for the disposal of the public lands within the limits of the under-mentioned townships and fractional townships, viz:

Fractional townships 3 and 4 north, of range 1 east; fractional townships 2 and 3 and townships 19 and 20 north, of range 2 east; fractional townships 2 and 3 and townships 7, 13, 14, 19, and 20 north, of range 3 east; fractional township 3 and townships 8, 9, 13, 14, and 19 north, of range 4 east; township 9 north, of ranges 5 and 6 east; township 10 north, of range 7 east; townships 10, 11, and 12 north, of range 8 east; also township 8 north, of range 9 east, and townships 8 and 9 north, of range 10 east, including the Lake St. John and part of Lake Concordia, near Natchez; township 21 and fractional township 22 north, of range 12 east; fractional townships 21, 22, and 23, of range 13 east, in the vicinity of Lake Providence; fractional township 4 north, of range 1 west; fractional townships 5 and 6 north, of range 2 west; fractional townships 5 and 6 and township 7 north, of range 3 west.

At the land office at St. Helena on the third Monday in November next, for the disposal of the public lands within the limits of the undermentioned townships and fractional townships, viz:

Township 4 and fractional townships 5 and 7, of range 1 west; townships 1 and 2 and fractional townships 3, 4, and 5, of range 2 west; townships 1 and 2 and fractional township 3, of range 3 west; fractional townships 1 and 2, of range 4 west; townships 4 and 5, of range 1 east; township 4, of range 2 east; township 4 and fractional townships 7 and 8, of range 10 east; townships 1, 2, 4, 6, 7, and fractional township 8, of range 11 east; townships 1, 2, 3, 4, 5, and fractional township 8, of range 12 east; townships 1, 2, 3, 5, 6, and 8 and fractional townships 4 and 9, of range 13 east; fractional townships 1, 2, 3, and 10, of range 14 east; fractional township 10, of ranges 15, 16, and 17 east.

The townships and fractional townships will be offered in the order in which they are above designated, beginning with the lowest number of section in each.

The lands reserved by law for the use of schools or for other purposes are to be excluded from sale.

Given under my hand, at the city of Washington, this 5th day of June, 1830.

ANDREW JACKSON.

By the President:

GEORGE GRAHAM,
Commissioner of the General Land Office.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of the Congress of the United States of the 24th of May, 1828, entitled "An act in addition to an act entitled 'An act concerning discriminating duties of tonnage and impost,' and to equalize the duties on Prussian vessels and their cargoes," it is provided that upon satisfactory evidence being given to the President of the United States by the government of any foreign nation that no discriminating duties of tonnage or impost are imposed or levied in the ports of the said nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President is thereby authorized to issue his proclamation declaring that the foreign discriminating duties of tonnage and impost within the United States are, and shall be, suspended and discontinued so far as respects the vessels of the said foreign nation and the produce, manufactures, or merchandise imported into the United States in the same from the said foreign nation or from any other foreign country, the said suspension to take effect from the time of such notification being given to the President of the United States and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States, and their cargoes, as aforesaid, shall be continued, and no longer; and

Whereas satisfactory evidence has lately been received by me from His Royal Highness the Grand Duke of Oldenburg, through an official communication of F. A. Mensch, his consul in the United States, under date of the 15th of September, 1830, that no discriminating duties of tonnage or impost are imposed or levied in the ports of the Grand Dukedom of Oldenburg upon vessels wholly belonging to citizens of the United States or upon the produce, manufactures, or merchandise imported in the same from the United States or from any other country:

Now, therefore, I, Andrew Jackson, President of the United States of America, do hereby declare and proclaim that so much of the several acts imposing discriminating duties of tonnage and impost within the United States are, and shall be, suspended and discontinued so far as respects the vessels of the Grand Dukedom of Oldenburg and the produce, manufactures, and merchandise imported into the United States in the same from the Grand Dukedom of Oldenburg and from any other foreign country whatever, the said suspension to take effect from the day above mentioned and to continue thenceforward so long as the reciprocal exemption of the vessels of the United States and the produce, manufactures, and merchandise imported into the Grand Dukedom of Oldenburg in the same, as aforesaid, shall be continued on the part of the Government of His Royal Highness the Grand Duke of Oldenburg.

Given under my hand, at the city of Washington, the 18th day of September, A. D. 1830, and the fifty-fifth of the Independence of the United States.

ANDREW JACKSON.

By the President:

M. VAN BUREN, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of the Congress of the United States passed on the 29th day of May, 1830, it is provided that whenever the President of the United States shall receive satisfactory evidence that the Government of Great Britain will open the ports in its colonial possessions in the West Indies, on the continent of South America, the Bahama Islands, the Caicos, and the Bermuda or Somer Islands to the vessels of the United States for an indefinite or for a limited term; that the vessels of the United States, and their cargoes, on entering the colonial ports aforesaid, shall not be subject to other or higher duties of tonnage or impost or charges of any other description than would be imposed on British vessels or their cargoes arriving in the said colonial possessions from the United States; that the vessels of the United States may import into the said colonial possessions from the United States any article or articles which could be imported in a British vessel into the said possessions from the United States; and that the vessels of the United States may export from the British colonies aforementioned, to any country whatever other than the dominions or possessions of Great Britain, any article or articles that can be exported therefrom in a British vessel to any country other than the British dominions or possessions as aforesaid, leaving the commercial intercourse of the United States with all other parts of the British dominions or possessions on a footing not less favorable to the United States than it now is—that then, and in such case, the President of the United States shall be authorized, at any time before the next session of Congress, to issue his proclamation declaring that he has received such evidence, and that thereupon, and from the date of such proclamation, the ports of the United States shall be opened indefinitely or for a term fixed, as the case may be, to British vessels coming from the said British colonial possessions, and their cargoes, subject to no other or higher duty of tonnage or impost or charge of any description whatever than would be levied on the vessels of the United States or their cargoes arriving from the said British possessions; and that it shall be lawful for the said British vessels to import into the United States and to export therefrom any article or articles which may be imported or exported in vessels of the United States; and that the act entitled "An act concerning navigation," passed on the 18th day of April, 1818, an act supplementary thereto, passed the 15th day of May, 1820, and an act entitled "An act to regulate the commercial intercourse between the United States and certain British ports," passed on the 1st day of March, 1823, shall in such case be suspended or absolutely repealed, as the case may require; and

Whereas by the said act it is further provided that whenever the ports of the United States shall have been opened under the authority thereby given, British vessels and their cargoes shall be admitted to an entry in the ports of the United States from the islands, provinces, or colonies of Great Britain on or near the North American continent and north or east of the United States; and

Whereas satisfactory evidence has been received by the President of the United States that whenever he shall give effect to the provisions of the act aforesaid the Government of Great Britain will open for an indefinite period the ports in its colonial possessions in the West Indies, on the continent of South America, the Bahama Islands, the Caicos, and the Bermuda or Somer Islands to the vessels of the United States, and their cargoes, upon the terms and according to the requisitions of the aforesaid act of Congress:

Now, therefore, I, Andrew Jackson, President of the United States of

America, do hereby declare and proclaim that such evidence has been received by me, and that by the operation of the act of Congress passed on the 29th day of May, 1830, the ports of the United States are from the date of this proclamation open to British vessels coming from the said British possessions, and their cargoes, upon the terms set forth in the said act. The act entitled "An act concerning navigation," passed on the 18th day of April, 1818, the act supplementary thereto, passed the 15th day of May, 1820, and the act entitled "An act to regulate the commercial intercourse between the United States and certain British ports," passed the 1st day of March, 1823, are absolutely repealed, and British vessels and their cargoes are admitted to an entry in the ports of the United States from the islands, provinces, and colonies of Great Britain on or near the North American continent and north or east of the United States.

Given under my hand, at the city of Washington, the 5th day of October, A. D. 1830, and the fifty-fifth of the Independence of the United States.

ANDREW JACKSON.

By the President:

M. VAN BUREN,
Secretary of State.

EXECUTIVE ORDER.

ADJUTANT-GENERAL'S OFFICE,
Washington, June 12, 1830.

ORDER 29.

The following general order has been received from the War Department. It is published for the information of all concerned:

DEPARTMENT OF WAR,
Washington, June 12, 1830.

GENERAL ORDER.

Congress at their last session passed an act repealing so much of the military law as imposes the penalty of death on those who "in time of peace" shall be found guilty of the crime of desertion. To give complete effect to the benevolent designs of said act, and that the Army may be correctly informed, it is hereby proclaimed that a free and full pardon is extended to those who at the date of this order stand in the character of deserters. All who are under arrest for this offense at the different posts and garrisons will be forthwith liberated, and return to their duty. Such as are roaming at large and those who are under sentence of death are discharged, and are not again to be permitted to enter the Army, nor at any time hereafter to be enlisted in the service of the country. It is desirable and highly important that the ranks of the Army should be composed of respectable, not degraded, materials. Those who can be so lost to the obligations of a soldier as to abandon a country which morally they are bound to defend, and which solemnly they have sworn to serve, are unworthy, and should be confided in no more.

By order of the President of the United States:

JOHN H. EATON,
Secretary of War.

Communicated by order of Alexander Macomb, Major-General Commanding the Army.

R. JONES, *Adjutant-General.*

SECOND ANNUAL MESSAGE.

DECEMBER 6, 1830.

Fellow-Citizens of the Senate and House of Representatives:

The pleasure I have in congratulating you upon your return to your constitutional duties is much heightened by the satisfaction which the condition of our beloved country at this period justly inspires. The beneficent Author of All Good has granted to us during the present year health, peace, and plenty, and numerous causes for joy in the wonderful success which attends the progress of our free institutions.

With a population unparalleled in its increase, and possessing a character which combines the hardihood of enterprise with the considerateness of wisdom, we see in every section of our happy country a steady improvement in the means of social intercourse, and correspondent effects upon the genius and laws of our extended Republic.

The apparent exceptions to the harmony of the prospect are to be referred rather to inevitable diversities in the various interests which enter into the composition of so extensive a whole than to any want of attachment to the Union—interests whose collisions serve only in the end to foster the spirit of conciliation and patriotism so essential to the preservation of that Union which I most devoutly hope is destined to prove imperishable.

In the midst of these blessings we have recently witnessed changes in the condition of other nations which may in their consequences call for the utmost vigilance, wisdom, and unanimity in our councils, and the exercise of all the moderation and patriotism of our people.

The important modifications of their Government, effected with so much courage and wisdom by the people of France, afford a happy presage of their future course, and have naturally elicited from the kindred feelings of this nation that spontaneous and universal burst of applause in which you have participated. In congratulating you, my fellow-citizens, upon an event so auspicious to the dearest interests of mankind I do no more than respond to the voice of my country, without transcending in the slightest degree that salutary maxim of the illustrious Washington which enjoins an abstinence from all interference with the internal affairs of other nations. From a people exercising in the most unlimited degree the right of self-government, and enjoying, as derived from this proud characteristic, under the favor of Heaven, much of the happiness with which they are blessed; a people who can point in triumph to their free institutions and challenge comparison with the fruits they bear, as well as with the moderation, intelligence, and energy with which they are administered—from such a people the deepest sympathy was to be expected in a struggle for the sacred principles of liberty, conducted in a spirit every way worthy of the cause, and crowned by a heroic moderation which has disarmed revolution of its terrors. Notwithstanding the strong assurances which the man whom we so sincerely love and justly admire has given to the world of the high character of the present King of the French, and which if sustained to the end will secure to him the proud appellation of Patriot King, it is not in his success, but in that of the great principle which has borne him to the throne—the paramount authority of the public will—that the American people rejoice.

I am happy to inform you that the anticipations which were indulged at the date of my last communication on the subject of our foreign affairs have been fully realized in several important particulars.

An arrangement has been effected with Great Britain in relation to the trade between the United States and her West India and North American colonies which has settled a question that has for years afforded matter for contention and almost uninterrupted discussion, and has been the subject of no less than six negotiations, in a manner which promises results highly favorable to the parties.

The abstract right of Great Britain to monopolize the trade with her colonies or to exclude us from a participation therein has never been denied by the United States. But we have contended, and with reason, that if at any time Great Britain may desire the productions of this country as necessary to her colonies they must be received upon principles of just reciprocity, and, further, that it is making an invidious and unfriendly distinction to open her colonial ports to the vessels of other nations and close them against those of the United States.

Antecedently to 1794 a portion of our productions was admitted into the colonial islands of Great Britain by particular concessions, limited to the term of one year, but renewed from year to year. In the transportation of these productions, however, our vessels were not allowed to engage, this being a privilege reserved to British shipping, by which alone our produce could be taken to the islands and theirs brought to us in return. From Newfoundland and her continental possessions all our productions, as well as our vessels, were excluded, with occasional relaxations, by which, in seasons of distress, the former were admitted in British bottoms.

By the treaty of 1794 she offered to concede to us for a limited time the right of carrying to her West India possessions in our vessels not exceeding 70 tons burthen, and upon the same terms as British vessels, any productions of the United States which British vessels might import therefrom. But this privilege was coupled with conditions which are supposed to have led to its rejection by the Senate; that is, that American vessels should land their return cargoes in the United States only, and, moreover, that they should during the continuance of the privilege be precluded from carrying molasses, sugar, coffee, cocoa, or cotton either from those islands or from the United States to any other part of the world. Great Britain readily consented to expunge this article from the treaty, and subsequent attempts to arrange the terms of the trade either by treaty stipulations or concerted legislation having failed, it has been successively suspended and allowed according to the varying legislation of the parties.

The following are the prominent points which have in later years separated the two Governments: Besides a restriction whereby all importations into her colonies in American vessels are confined to our own products carried hence, a restriction to which it does not appear that we have ever objected, a leading object on the part of Great Britain has been to prevent us from becoming the carriers of British West India commodities to any other country than our own. On the part of the United States it has been contended, first, that the subject should be regulated by treaty stipulation in preference to separate legislation; second, that our productions, when imported into the colonies in question, should not be subject to higher duties than the productions of the mother country or of her other colonial possessions, and, third, that our vessels should be allowed to participate in the circuitous trade between the United States and different parts of the British dominions.

The first point, after having been for a long time strenuously insisted upon by Great Britain, was given up by the act of Parliament of July, 1825, all vessels suffered to trade with the colonies being permitted to clear from thence with any articles which British vessels might export and proceed to any part of the world, Great Britain and her dependencies alone excepted. On our part each of the above points had in succession been explicitly abandoned in negotiations preceding that of which the result is now announced.

This arrangement secures to the United States every advantage asked by them, and which the state of the negotiations allowed us to insist upon, The trade will be placed upon a footing decidedly more favorable to this country than any on which it ever stood, and our commerce and navigation will enjoy in the colonial ports of Great Britain every privilege allowed to other nations.

That the prosperity of the country so far as it depends on this trade will be greatly promoted by the new arrangement there can be no doubt. Independently of the more obvious advantages of an open and direct intercourse, its establishment will be attended with other consequences of a higher value. That which has been carried on since the mutual interdict under all the expense and inconvenience unavoidably incident to it would have been insupportably onerous had it not been in a great degree lightened by concerted evasions in the mode of making the transshipments at what are called the neutral ports. These indirections are inconsistent with the dignity of nations that have so many motives not only to cherish feelings of mutual friendship, but to maintain such relations as will stimulate their respective citizens and subjects to efforts of direct, open, and honorable competition only, and preserve them from the influence of seductive and vitiating circumstances.

When your preliminary interposition was asked at the close of the last session, a copy of the instructions under which Mr. McLane has acted, together with the communications which had at that time passed between him and the British Government, was laid before you. Although there has not been anything in the acts of the two Governments which requires secrecy, it was thought most proper in the then state of the negotiation to make that communication a confidential one. So soon, however, as the evidence of execution on the part of Great Britain is received the whole matter shall be laid before you, when it will be seen that the apprehension which appears to have suggested one of the provisions of the act passed at your last session, that the restoration of the trade in question might be connected with other subjects and was sought to be obtained at the sacrifice of the public interest in other particulars, was wholly unfounded, and that the change which has taken place in the views of the British Government has been induced by considerations as honorable to both parties as I trust the result will prove beneficial.

This desirable result was, it will be seen, greatly promoted by the liberal and confiding provisions of the act of Congress of the last session, by which our ports were upon the reception and annunciation by the President of the required assurance on the part of Great Britain forthwith opened to her vessels before the arrangement could be carried into effect on her part, pursuing in this act of prospective legislation a similar course to that adopted by Great Britain in abolishing, by her act of Parliament in 1825, a restriction then existing and permitting our vessels to clear from the colonies on their return voyages for any foreign country whatever before British vessels had been relieved from the restriction imposed by our law of returning directly from the United States to the colonies, a restriction which she required and expected that we should abolish. Upon each occasion a limited and temporary advantage has been given to the opposite party, but an advantage of no importance in comparison with the restoration of mutual confidence and good feeling, and the ultimate establishment of the trade upon fair principles.

It gives me unfeigned pleasure to assure you that this negotiation has been throughout characterized by the most frank and friendly spirit on the part of Great Britain, and concluded in a manner strongly indicative of a sincere desire to cultivate the best relations with the United States. To reciprocate this disposition to the fullest extent of my ability is a duty which I shall deem it a privilege to discharge.

Although the result is itself the best commentary on the services rendered to his country by our minister at the Court of St. James, it would be doing violence to my feelings were I to dismiss the subject without expressing the very high sense I entertain of the talent and exertion which have been displayed by him on the occasion.

The injury to the commerce of the United States resulting from the exclusion of our vessels from the Black Sea and the previous footing of mere sufferance upon which even the limited trade enjoyed by us with Turkey has hitherto been placed have for a long time been a source of much solicitude to this Government, and several endeavors have been made to obtain a better state of things. Sensible of the importance of the object, I felt it my duty to leave no proper means unemployed to acquire for our flag the same privileges that are enjoyed by the principal powers of Europe. Commissioners were consequently appointed to open a negotiation with the Sublime Porte. Not long after the member of the commission who went directly from the United States had sailed, the account of the treaty of Adrianople, by which one of the objects in view was supposed to be secured, reached this country. The Black Sea was understood to be opened to us. Under the supposition that this was the case, the additional facilities to be derived from the establishment of commercial regulations with the Porte were deemed of sufficient importance to require a prosecution of the negotiation as originally contemplated. It was therefore persevered in, and resulted in a treaty, which will be forthwith laid before the Senate.

By its provisions a free passage is secured, without limitation of time, to the vessels of the United States to and from the Black Sea, including the navigation thereof, and our trade with Turkey is placed on the footing of the most favored nation. The latter is an arrangement wholly independent of the treaty of Adrianople, and the former derives much value, not only from the increased security which under any circumstances it would give to the right in question, but from the fact, ascertained in the course of the negotiation, that by the construction put upon that treaty by Turkey the article relating to the passage of the Bosphorus is confined to nations having treaties with the Porte. The most friendly feelings appear to be entertained by the Sultan, and an enlightened disposition is evinced by him to foster the intercourse between the two countries by the most liberal arrangements. This disposition it will be our duty and interest to cherish.

Our relations with Russia are of the most stable character. Respect for that Empire and confidence in its friendship toward the United States have been so long entertained on our part and so carefully cherished by the present Emperor and his illustrious predecessor as to have become incorporated with the public sentiment of the United States. No means will be left unemployed on my part to promote these salutary feelings and those improvements of which the commercial intercourse between the two countries is susceptible, and which have derived increased importance from our treaty with the Sublime Porte.

I sincerely regret to inform you that our minister lately commissioned to that Court, on whose distinguished talents and great experience in public affairs I place great reliance, has been compelled by extreme indisposition to exercise a privilege which, in consideration of the extent to which his constitution had been impaired in the public service, was committed to his discretion—of leaving temporarily his post for the advantage of a more genial climate.

If, as it is to be hoped, the improvement of his health should be such as to justify him in doing so, he will repair to St. Petersburg and resume the discharge of his official duties. I have received the most satisfactory assurances that in the meantime the public interest in that quarter will be preserved from prejudice by the intercourse which he will continue through the secretary of legation with the Russian cabinet.

You are apprised, although the fact has not yet been officially announced to the House of Representatives, that a treaty was in the month of March last concluded between the United States and Denmark, by which $650,000 are secured to our citizens as an indemnity for spoliations upon their commerce in the years 1808, 1809, 1810, and 1811. This treaty was sanctioned by the Senate at the close of its last session, and it now becomes the duty of Congress to pass the necessary laws for the organization of the board of commissioners to distribute the indemnity among the claimants. It is an agreeable circumstance in this adjustment that the terms are in conformity with the previously ascertained views of the claimants themselves, thus removing all pretense for a future agitation of the subject in any form.

The negotiations in regard to such points in our foreign relations as remain to be adjusted have been actively prosecuted during the recess. Material advances have been made, which are of a character to promise favorable results. Our country, by the blessing of God, is not in a situation to invite aggression, and it will be our fault if she ever becomes so. Sincerely desirous to cultivate the most liberal and friendly relations with all; ever ready to fulfill our engagements with scrupulous fidelity; limiting our demands upon others to mere justice; holding ourselves ever ready to do unto them as we would wish to be done by, and avoiding even the appearance of undue partiality to any nation, it appears to me impossible that a simple and sincere application of our principles to our foreign relations can fail to place them ultimately upon the footing on which it is our wish they should rest.

Of the points referred to, the most prominent are our claims upon France for spoliations upon our commerce; similar claims upon Spain, together with embarrassments in the commercial intercourse between the two countries which ought to be removed; the conclusion of the treaty of commerce and navigation with Mexico, which has been so long in suspense, as well as the final settlement of limits between ourselves and that Republic, and, finally, the arbitrament of the question between the United States and Great Britain in regard to the northeastern boundary.

The negotiation with France has been conducted by our minister with zeal and ability, and in all respects to my entire satisfaction. Although the prospect of a favorable termination was occasionally dimmed by counter pretensions to which the United States could not assent, he yet had strong hopes of being able to arrive at a satisfactory settlement with the late Government. The negotiation has been renewed with the present authorities, and, sensible of the general and lively confidence of our citizens in the justice and magnanimity of regenerated France, I regret the more not to have it in my power yet to announce the result so confidently anticipated. No ground, however, inconsistent with this expectation has yet been taken, and I do not allow myself to doubt that justice will soon be done us. The amount of the claims, the length of time they have remained unsatisfied, and their incontrovertible justice make an earnest prosecution of them by this Government an urgent duty. The illegality of the seizures and confiscations out of which they have arisen is not disputed, and whatever distinctions may have heretofore been set up in regard to the liability of the existing Government it is quite clear that such considerations can not now be interposed.

The commercial intercourse between the two countries is susceptible of highly advantageous improvements, but the sense of this injury has had, and must continue to have, a very unfavorable influence upon them. From its satisfactory adjustment not only a firm and cordial friendship, but a progressive development of all their relations, may be expected. It is, therefore, my earnest hope that this old and vexatious subject of difference may be speedily removed.

I feel that my confidence in our appeal to the motives which should govern a just and magnanimous nation is alike warranted by the character of the French people and by the high voucher we possess for the enlarged views and pure integrity of the Monarch who now presides over their councils, and nothing shall be wanting on my part to meet any manifestation of the spirit we anticipate in one of corresponding frankness and liberality.

The subjects of difference with Spain have been brought to the view of that Government by our minister there with much force and propriety, and the strongest assurances have been received of their early and favorable consideration.

The steps which remained to place the matter in controversy between Great Britain and the United States fairly before the arbitrator have all been taken in the same liberal and friendly spirit which characterized those before announced. Recent events have doubtless served to delay the decision, but our minister at the Court of the distinguished arbitrator has been assured that it will be made within the time contemplated by the treaty.

I am particularly gratified in being able to state that a decidedly favorable, and, as I hope, lasting, change has been effected in our relations with the neighboring Republic of Mexico. The unfortunate and unfounded suspicions in regard to our disposition which it became my painful duty to advert to on a former occasion have been, I believe, entirely removed, and the Government of Mexico has been made to understand the real character of the wishes and views of this in regard to that country. The consequence is the establishment of friendship and mutual confidence. Such are the assurances I have received, and I see no cause to doubt their sincerity.

I had reason to expect the conclusion of a commercial treaty with Mexico in season for communication on the present occasion. Circumstances which are not explained, but which I am persuaded are not the result of an indisposition on her part to enter into it, have produced the delay.

There was reason to fear in the course of the last summer that the harmony of our relations might be disturbed by the acts of certain claimants, under Mexican grants, of territory which had hitherto been under our jurisdiction. The cooperation of the representative of Mexico near this Government was asked on the occasion and was readily afforded. Instructions and advice have been given to the governor of Arkansas and the officers in command in the adjoining Mexican State by which it is hoped the quiet of that frontier will be preserved until a final settlement of the dividing line shall have removed all ground of controversy.

The exchange of ratifications of the treaty concluded last year with Austria has not yet taken place. The delay has been occasioned by the nonarrival of the ratification of that Government within the time prescribed by the treaty. Renewed authority has been asked for by the representative of Austria, and in the meantime the rapidly increasing trade and navigation between the two countries have been placed upon the most liberal footing of our navigation acts.

Several alleged depredations have been recently committed on our commerce by the national vessels of Portugal. They have been made the subject of immediate remonstrance and reclamation. I am not yet possessed of sufficient information to express a definitive opinion of their character, but expect soon to receive it. No proper means shall be omitted to obtain for our citizens all the redress to which they may appear to be entitled.

Almost at the moment of the adjournment of your last session two bills—the one entitled "An act for making appropriations for building light-houses, light-boats, beacons, and monuments, placing buoys, and for improving harbors and directing surveys," and the other "An act to authorize a subscription for stock in the Louisville and Portland Canal Company"—were submitted for my approval. It was not possible within the time allowed me before the close of the session to give to these bills the consideration which was due to their character and importance, and I was compelled to retain them for that purpose. I now avail myself of this early opportunity to return them to the Houses in which they respectively originated with the reasons which, after mature deliberation, compel me to withhold my approval.

The practice of defraying out of the Treasury of the United States the expenses incurred by the establishment and support of light-houses, beacons, buoys, and public piers within the bays, inlets, harbors, and ports of the United States, to render the navigation thereof safe and easy, is coeval with the adoption of the Constitution, and has been continued without interruption or dispute.

As our foreign commerce increased and was extended into the interior of the country by the establishment of ports of entry and delivery upon our navigable rivers the sphere of those expenditures received a corresponding enlargement. Light-houses, beacons, buoys, public piers, and the removal of sand bars, sawyers, and other partial or temporary impediments in the navigable rivers and harbors which were embraced in the revenue districts from time to time established by law were authorized upon the same principle and the expense defrayed in the same manner. That these expenses have at times been extravagant and disproportionate is very probable. The circumstances under which they are incurred are well calculated to lead to such a result unless their application is subjected to the closest scrutiny. The local advantages arising from the disbursement of public money too frequently, it is to be feared, invite appropriations for objects of this character that are neither necessary nor useful.

The number of light-house keepers is already very large, and the bill before me proposes to add to it fifty-one more of various descriptions. From representations upon the subject which are understood to be entitled to respect I am induced to believe that there has not only been great improvidence in the past expenditures of the Government upon these objects, but that the security of navigation has in some instances been diminished by the multiplication of light-houses and consequent change of lights upon the coast. It is in this as in other respects our duty to avoid all unnecessary expense, as well as every increase of patronage not called for by the public service. But in the discharge of that duty in this particular it must not be forgotten that in relation to our foreign commerce the burden and benefit of protecting and accommodating it necessarily go together, and must do so as long as the public revenue is drawn from the people through the custom-house. It is indisputable that whatever gives facility and security to navigation cheapens imports, and all who consume them are alike interested in whatever produces this effect. If they consume, they ought, as they now do, to pay; otherwise they do not pay. The consumer in the most inland State derives the same advantage from every necessary and prudent expenditure for the facility and security of our foreign commerce and navigation that he does who resides in a maritime State. Local expenditures have not of themselves a corresponding operation.

From a bill making *direct* appropriations for such objects I should not have withheld my assent. The one now returned does so in several particulars, but it also contains appropriations for surveys of a local character, which I can not approve. It gives me satisfaction to find that no serious inconvenience has arisen from withholding my approval from this bill; nor will it, I trust, be cause of regret that an opportunity will be thereby afforded for Congress to review its provisions under circumstances better calculated for full investigation than those under which it was passed.

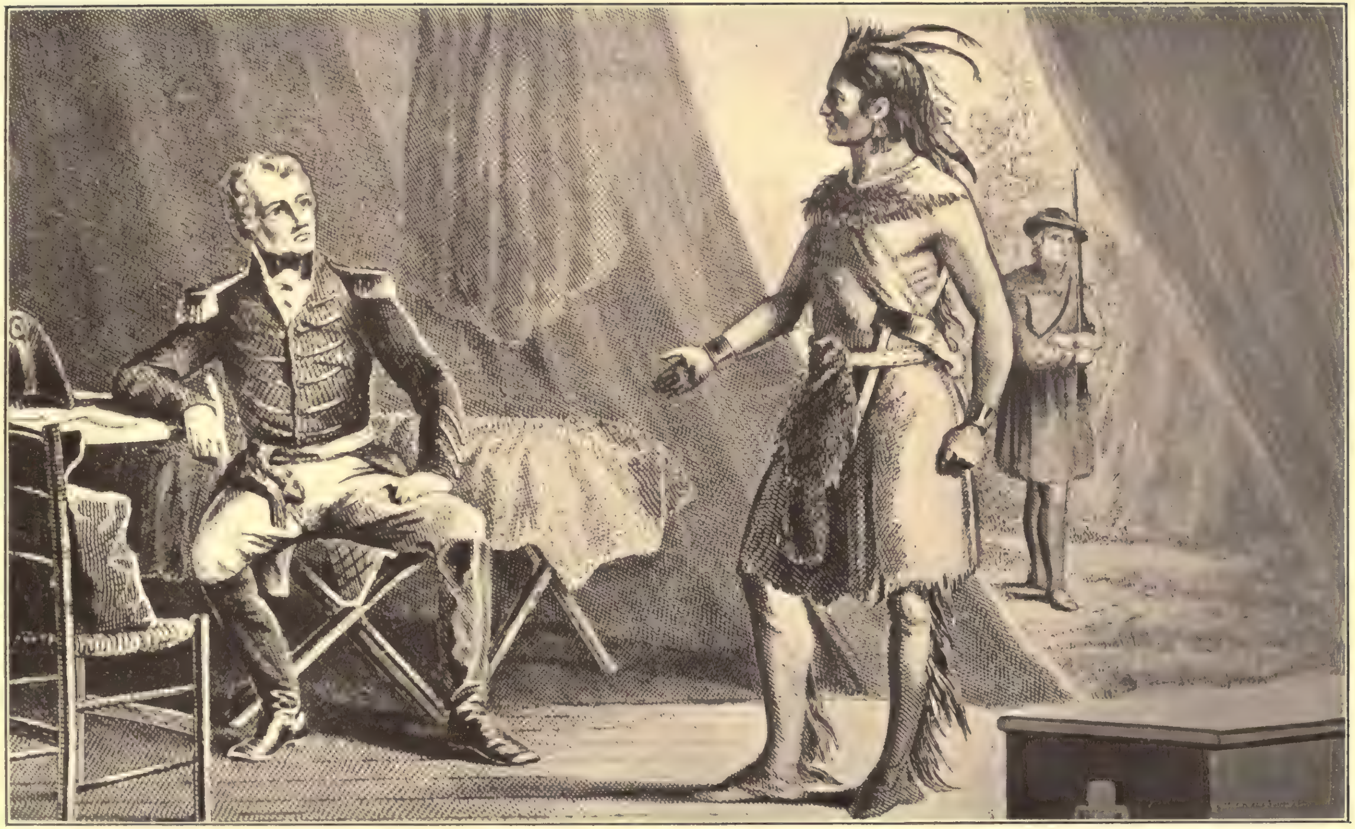
In speaking of direct appropriations I mean not to include a practice which has obtained to some extent, and to which I have in one instance, in a different capacity, given my assent—that of subscribing to the stock of private associations. Positive experience and a more thorough consideration of the subject have convinced me of the impropriety as well as inexpediency of such investments. All improvements effected by the funds of the nation for general use should be open to the enjoyment of all our fellow-citizens, exempt from the payment of tolls or any imposition of that character. The practice of thus mingling the concerns of the Government with those of the States or of individuals is inconsistent with the object of its institution and highly impolitic. The successful operation of the federal system can only be preserved by confining it to the few and simple, but yet important, objects for which it was designed.

A different practice, if allowed to progress, would ultimately change the character of this Government by consolidating into one the General and State Governments, which were intended to be kept forever distinct. I can not perceive how bills authorizing such subscriptions can be otherwise regarded than as bills for revenue, and consequently subject to the rule in that respect prescribed by the Constitution. If the interest of the Government in private companies is subordinate to that of individuals, the management and control of a portion of the public funds is delegated to an authority unknown to the Constitution and beyond the supervision of our constituents; if superior, its officers and agents will be constantly exposed to imputations of favoritism and oppression. Direct prejudice to the public interest or an alienation of the affections and respect of portions of the people may, therefore, in addition to the general discredit resulting to the Government from embarking with its constituents in pecuniary stipulations, be looked for as the probable fruit of such associations. It is no answer to this objection to say that the extent of consequences like these can not be great from a limited and small number of investments, because experience in other matters teaches us—and we are not at liberty to disregard its admonitions—that unless an entire stop be put to them it will soon be impossible to prevent their accumulation until they are spread over the whole country and made to embrace many of the private and appropriate concerns of individuals.

The power which the General Government would acquire within the several States by becoming the principal stockholder in corporations, controlling every canal and each 60 or 100 miles of every important road, and giving a proportionate vote in all their elections, is almost inconceivable, and in my view dangerous to the liberties of the people.

This mode of aiding such works is also in its nature deceptive, and in many cases conducive to improvidence in the administration of the national funds. Appropriations will be obtained with much greater facility and granted with less security to the public interest when the measure is thus disguised than when definite and direct expenditures of money are asked for. The interests of the nation would doubtless be better served by avoiding all such indirect modes of aiding particular objects. In a government like ours more especially should all public acts be, as far as practicable, simple, undisguised, and intelligible, that they may become fit subjects for the approbation or animadversion of the people. The bill authorizing a subscription to the Louisville and Portland Canal affords a striking illustration of the difficulty of withholding additional appropriations for the same object when the first erroneous step has been taken by instituting a partnership between the Government and private companies. It proposes a third subscription on the part of the United States, when each preceding one was at the time regarded as the extent of the aid which Government was to render to that work; and the accompanying bill for light-houses, etc., contains an appropriation for a survey of the bed of the river, with a view to its improvement by removing the obstruction which the canal is designed to avoid. This improvement, if successful, would afford a free passage of the river and render the canal entirely useless. To such improvidence is the course of legislation subject in relation to internal improvements on local matters, even with the best intentions on the part of Congress.

Although the motives which have influenced me in this matter may be



ANDREW JACKSON AND WETHERBY

INDIAN CAMPAIGNS OF ANDREW JACKSON.

Most of us are apt to think of the victory of New Orleans when we recall the military successes of Andrew Jackson, but in his day he bore a formidable reputation as an Indian fighter also. From 1798 to 1814, Jackson was the major-general of the Tennessee militia, and in that capacity conducted a vigorous campaign against the Creek Indians, which resulted in their complete submission in 1814. Indeed, it was due very largely to Jackson's exploits in this campaign that he was appointed major-general in the United States Army, and given command over the Department of the South, in which office he had charge of the operations which defeated the British at New Orleans. In 1817, Jackson also commanded the United States troops in the prosecution of the Indian Seminole War. The preceding picture contrasts his uniform with the garb of one of the famous Indian chieftains of his day.

already sufficiently stated, I am, nevertheless, induced by its importance to add a few observations of a general character.

In my objections to the bills authorizing subscriptions to the Maysville and Rockville road companies I expressed my views fully in regard to the power of Congress to construct roads and canals within a State or to appropriate money for improvements of a local character. I at the same time intimated my belief that the right to make appropriations for such as were of a national character had been so generally acted upon and so long acquiesced in by the Federal and State Governments and the constituents of each as to justify its exercise on the ground of continued and uninterrupted usage, but that it was, nevertheless, highly expedient that appropriations even of that character should, with the exception made at the time, be deferred until the national debt is paid, and that in the meanwhile some general rule for the action of the Government in that respect ought to be established.

These suggestions were not necessary to the decision of the question then before me, and were, I readily admit, intended to awake the attention and draw forth the opinions and observations of our constituents upon a subject of the highest importance to their interests, and one destined to exert a powerful influence upon the future operations of our political system. I know of no tribunal to which a public man in this country, in a case of doubt and difficulty, can appeal with greater advantage or more propriety than the judgment of the people; and although I must necessarily in the discharge of my official duties be governed by the dictates of my own judgment, I have no desire to conceal my anxious wish to conform as far as I can to the views of those for whom I act.

All irregular expressions of public opinion are of necessity attended with some doubt as to their accuracy, but making full allowances on that account I can not, I think, deceive myself in believing that the acts referred to, as well as the suggestions which I allowed myself to make in relation to their bearing upon the future operations of the Government, have been approved by the great body of the people. That those whose immediate pecuniary interests are to be affected by proposed expenditures should shrink from the application of a rule which prefers their more general and remote interests to those which are personal and immediate is to be expected. But even such objections must from the nature of our population be but temporary in their duration, and if it were otherwise our course should be the same, for the time is yet, I hope, far distant when those intrusted with power to be exercised for the good of the whole will consider it either honest or wise to purchase local favors at the sacrifice of principle and general good.

So understanding public sentiment, and thoroughly satisfied that the best interests of our common country imperiously require that the course which I have recommended in this regard should be adopted, I have, upon the most mature consideration, determined to pursue it.

It is due to candor, as well as to my own feelings, that I should express the reluctance and anxiety which I must at all times experience in exercising the undoubted right of the Executive to withhold his assent from bills on other grounds than their constitutionality. That this right should not be exercised on slight occasions all will admit. It is only in matters of deep interest, when the principle involved may be justly regarded as next in importance to infractions of the Constitution itself, that such a step can be expected to meet with the approbation of the people. Such an occasion do I conscientiously believe the present to be. In the discharge of this delicate and highly responsible duty I am sustained by the reflection that the exercise of this power has been deemed consistent with the obligation of official duty by several of my predecessors, and by the persuasion, too, that whatever liberal institutions may have to fear from the encroachments of Executive power, which has been everywhere the cause of so much strife and bloody contention, but little danger is to be apprehended from a precedent by which that authority denies to itself the exercise of powers that bring in their train influence and patronage of great extent, and thus excludes the operation of personal interests, everywhere the bane of official trust. I derive, too, no small degree of satisfaction from the reflection that if I have mistaken the interests and wishes of the people the Constitution affords the means of soon redressing the error by selecting for the place their favor has bestowed upon me a citizen whose opinions may accord with their own. I trust, in the meantime, the interests of the nation will be saved from prejudice by a rigid application of that portion of the public funds which might otherwise be applied to different objects to that highest of all our obligations, the payment of the public debt, and an opportunity be afforded for the adoption of some better rule for the operations of the Government in this matter than any which has hitherto been acted upon.

Profoundly impressed with the importance of the subject, not merely as relates to the general prosperity of the country, but to the safety of the federal system, I can not avoid repeating my earnest hope that all good citizens who take a proper interest in the success and harmony of our admirable political institutions, and who are incapable of desiring to convert an opposite state of things into means for the gratification of personal ambition, will, laying aside minor considerations and discarding local prejudices, unite their honest exertions to establish some fixed general principle which shall be calculated to effect the greatest extent of public good in regard to the subject of internal improvement, and afford the least ground for sectional discontent.

The general grounds of my objection to local appropriations have been heretofore expressed, and I shall endeavor to avoid a repetition of what has been already urged—the importance of sustaining the State sovereignties as far as is consistent with the rightful action of the Federal Government, and of preserving the greatest attainable harmony between them. I will now only add an expression of my conviction—a conviction which every day's experience serves to confirm—that the political creed which inculcates the pursuit of those great objects as a paramount duty is the true faith, and one to which we are mainly indebted for the present success of the entire system, and to which we must alone look for its future stability.

That there are diversities in the interests of the different States which compose this extensive Confederacy must be admitted. Those diversities arising from situation, climate, population, and pursuits are doubtless, as it is natural they should be, greatly exaggerated by jealousies and that spirit of rivalry so inseparable from neighboring communities. These circumstances make it the duty of those who are intrusted with the management of its affairs to neutralize their effects as far as practicable by making the beneficial operation of the Federal Government as equal and equitable among the several States as can be done consistently with the great ends of its institution.

It is only necessary to refer to undoubted facts to see how far the past acts of the Government upon the subject under consideration have fallen short of this object. The expenditures heretofore made for internal improvements amount to upward of $5,000,000, and have been distributed in very unequal proportions amongst the States. The estimated expense of works of which surveys have been made, together with that of others projected and partially surveyed, amounts to more than $96,000,000.

That such improvements, on account of particular circumstances, may be more advantageously and beneficially made in some States than in others is doubtless true, but that they are of a character which should prevent an equitable distribution of the funds amongst the several States is not to be conceded. The want of this equitable distribution can not fail to prove a prolific source of irritation among the States.

We have it constantly before our eyes that professions of superior zeal in the cause of internal improvement and a disposition to lavish the public funds upon objects of this character are daily and earnestly put forth by aspirants to power as constituting the highest claims to the confidence of the people. Would it be strange, under such circumstances, and in times of great excitement, that grants of this description should find their motives in objects which may not accord with the public good? Those who have not had occasion to see and regret the indication of a sinister influence in these matters in past times have been more fortunate than myself in their observation of the course of public affairs. If to these evils be added the combinations and angry contentions to which such a course of things gives rise, with their baleful influences upon the legislation of Congress touching the leading and appropriate duties of the Federal Government, it was but doing justice to the character of our people to expect the severe condemnation of the past which the recent exhibitions of public sentiment has evinced.

Nothing short of a radical change in the action of the Government upon the subject can, in my opinion, remedy the evil. If, as it would be natural to expect, the States which have been least favored in past appropriations should insist on being redressed in those hereafter to be made, at the expense of the States which have so largely and disproportionately participated, we have, as matters now stand, but little security that the attempt would do more than change the inequality from one quarter to another.

Thus viewing the subject, I have heretofore felt it my duty to recommend the adoption of some plan for the distribution of the surplus funds, which may at any time remain in the Treasury after the national debt shall have been paid, among the States, in proportion to the number of their Representatives, to be applied by them to objects of internal improvement.

Although this plan has met with favor in some portions of the Union, it has also elicited objections which merit deliberate consideration. A brief notice of these objections here will not, therefore, I trust, be regarded as out of place.

They rest, as far as they have come to my knowledge, on the following grounds: First, an objection to the ratio of distribution; second, an apprehension that the existence of such a regulation would produce improvident and oppressive taxation to raise the funds for distribution; third, that the mode proposed would lead to the construction of works of a local nature, to the exclusion of such as are general and as would consequently be of a more useful character; and, last, that it would create a discreditable and injurious dependence on the part of the State governments upon the Federal power. Of those who object to the ratio of representation as the basis of distribution, some insist that the importations of the respective States would constitute one that would be more equitable; and others again, that the extent of their respective territories would furnish a standard which would be more expedient and sufficiently equitable. The ratio of representation presented itself to my mind, and it still does, as one of obvious equity, because of its being the ratio of contribution, whether the funds to be distributed be derived from the customs or from direct taxation. It does not follow, however, that its adoption is indispensable to the establishment of the system proposed. There may be considerations appertaining to the subject which would render a departure, to some extent, from the rule of contribution proper. Nor is it absolutely necessary that the basis of distribution be confined to one ground. It may, if in the judgment of those whose right it is to fix it it be deemed politic and just to give it that character, have regard to several.

In my first message I stated it to be my opinion that "it is not probable that any adjustment of the tariff upon principles satisfactory to the people of the Union will until a remote period, if ever, leave the Government without a considerable surplus in the Treasury beyond what may be required for its current service." I have had no cause to change that opinion, but much to confirm it. Should these expectations be realized, a suitable fund would thus be produced for the plan under consideration to operate upon, and if there be no such fund its adoption will, in my opinion, work no injury to any interest; for I can not assent to the justness of the apprehension that the establishment of the proposed system would tend to the encouragement of improvident legislation of the character supposed. Whatever the proper authority in the exercise of constitutional power shall at any time hereafter decide to be for the general good will in that as in other respects deserve and receive the acquiescence and support of the whole country, and we have ample security that every abuse of power in that regard by agents of the people will receive a speedy and effectual corrective at their hands. The views which I take of the future, founded on the obvious and increasing improvement of all classes of our fellow-citizens in intelligence and in public and private virtue, leave me without much apprehension on that head.

I do not doubt that those who come after us will be as much alive as we are to the obligation upon all the trustees of political power to exempt those for whom they act from all unnecessary burthens, and as sensible of the great truth that the resources of the nation beyond those required for immediate and necessary purposes of Government can nowhere be so well deposited as in the pockets of the people.

It may sometimes happen that the interests of particular States would not be deemed to coincide with the general interest in relation to improvements within such States. But if the danger to be apprehended from this source is sufficient to require it, a discretion might be reserved to Congress to direct to such improvements of a general character as the States concerned might not be disposed to unite in, the application of the quotas of those States, under the restriction of confining to each State the expenditure of its appropriate quota. It may, however, be assumed as a safe general rule that such improvements as serve to increase the prosperity of the respective States in which they are made, by giving new facilities to trade, and thereby augmenting the wealth and comfort of their inhabitants, constitute the surest mode of conferring permanent and substantial advantages upon the whole. The strength as well as the true glory of the Confederacy is founded on the prosperity and power of the several independent sovereignties of which it is composed and the certainty with which they can be brought into successful active cooperation through the agency of the Federal Government.

It is, moreover, within the knowledge of such as are at all conversant with public affairs that schemes of internal improvement have from time to time been proposed which, from their extent and seeming magnificence, were readily regarded as of national concernment, but which upon fuller consideration and further experience would now be rejected with great unanimity.

That the plan under consideration would derive important advantages from its certainty, and that the moneys set apart for these purposes would be more judiciously applied and economically expended under the direction of the State legislatures, in which every part of each State is immediately represented, can not, I think, be doubted. In the new States particularly, where a comparatively small population is scattered over an extensive surface, and the representation in Congress consequently very limited, it is natural to expect that the appropriations made by the Federal Government would be more likely to be expended in the vicinity of those members through whose immediate agency they were obtained than if the funds were placed under the control of the legislature, in which every county of the State has its own representative. This supposition does not necessarily impugn the motives of such Congressional representatives, nor is it so intended. We are all sensible of the bias to which the strongest minds and purest hearts are, under such circumstances, liable. In respect to the last objection—its probable effect upon the dignity and independence of State governments—it appears to me only necessary to state the case as it is, and as it would be if the measure proposed were adopted, to show that the operation is most likely to be the very reverse of that which the objection supposes.

In the one case the State would receive its quota of the national revenue for domestic use upon a fixed principle as a matter of right, and from a fund to the creation of which it had itself contributed its fair proportion. Surely there could be nothing derogatory in that. As matters now stand the States themselves, in their sovereign character, are not unfrequently petitioners at the bar of the Federal Legislature for such allowances out of the National Treasury as it may comport with their pleasure or sense of duty to bestow upon them. It can not require argument to prove which of the two courses is most compatible with the efficiency or respectability of the State governments.

But all these are matters for discussion and dispassionate consideration. That the desired adjustment would be attended with difficulty affords no reason why it should not be attempted. The effective operation of such motives would have prevented the adoption of the Constitution under which we have so long lived and under the benign influence of which our beloved country has so signally prospered. The framers of that sacred instrument had greater difficulties to overcome, and they did overcome them. The patriotism of the people, directed by a deep conviction of the importance of the Union, produced mutual concession and reciprocal forbearance. Strict right was merged in a spirit of compromise, and the result has consecrated their disinterested devotion to the general weal. Unless the American people have degenerated, the same result can be again effected whenever experience points out the necessity of a resort to the same means to uphold the fabric which their fathers have reared. It is beyond the power of man to make a system of government like ours or any other operate with precise equality upon States situated like those which compose this Confederacy; nor is inequality always injustice. Every State can not expect to shape the measures of the General Government to suit its own particular interests. The causes which prevent it are seated in the nature of things, and can not be entirely counteracted by human means. Mutual forbearance becomes, therefore, a duty obligatory upon all, and we may, I am confident, count upon a cheerful compliance with this high injunction on the part of our constituents. It is not to be supposed that they will object to make such comparatively inconsiderable sacrifices for the preservation of rights and privileges which other less favored portions of the world have in vain waded through seas of blood to acquire.

Our course is a safe one if it be but faithfully adhered to. Acquiescence in the constitutionally expressed will of the majority, and the exercise of that will in a spirit of moderation, justice, and brotherly kindness, will constitute a cement which would forever preserve our Union. Those who cherish and inculcate sentiments like these render a most essential service to their country, while those who seek to weaken their influence are, however conscientious and praiseworthy their intentions, in effect its worst enemies.

If the intelligence and influence of the country, instead of laboring to foment sectional prejudices, to be made subservient to party warfare, were in good faith applied to the eradication of causes of local discontent, by the improvement of our institutions and by facilitating their adaptation to the condition of the times, this task would prove one of less difficulty. May we not hope that the obvious interests of our common country and the dictates of an enlightened patriotism will in the end lead the public mind in that direction?

After all, the nature of the subject does not admit of a plan wholly free from objection. That which has for some time been in operation is, perhaps, the worst that could exist, and every advance that can be made in its improvement is a matter eminently worthy of your most deliberate attention.

It is very possible that one better calculated to effect the objects in view may yet be devised. If so, it is to be hoped that those who disapprove the past and dissent from what is proposed for the future will feel it their duty to direct their attention to it, as they must be sensible that unless some fixed rule for the action of the Federal Government in this respect is established the course now attempted to be arrested will be again resorted to. Any mode which is calculated to give the greatest degree of effect and harmony to our legislation upon the subject, which shall best serve to keep the movements of the Federal Government within the sphere intended by those who modeled and those who adopted it, which shall lead to the extinguishment of the national debt in the shortest period and impose the lightest burthens upon our constituents, shall receive from me a cordial and firm support.

Among the objects of great national concern I can not omit to press again upon your attention that part of the Constitution which regulates the election of President and Vice-President. The necessity for its amendment is made so clear to my mind by observation of its evils and by the many able discussions which they have elicited on the floor of Congress and elsewhere that I should be wanting to my duty were I to withhold another expression of my deep solicitude on the subject. Our system fortunately contemplates a recurrence to first principles, differing in this respect from all that have preceded it, and securing it, I trust, equally against the decay and the commotions which have marked the progress of other governments. Our fellow-citizens, too, who in proportion to their love of liberty keep a steady eye upon the means of sustaining it, do not require to be reminded of the duty they owe to themselves to remedy all essential defects in so vital a part of their system. While they are sensible that every evil attendant upon its operation is not necessarily indicative of a bad organization, but may proceed from temporary causes, yet the habitual presence, or even a single instance, of evils which can be clearly traced to an organic defect will not, I trust, be overlooked through a too scrupulous veneration for the work of their ancestors. The Constitution was an experiment committed to the virtue and intelligence of the great mass of our countrymen, in whose ranks the framers of it themselves were to perform the part of patriotic observation and scrutiny, and if they have passed from the stage of existence with an increased confidence in its general adaptation to our condition we should learn from authority so high the duty of fortifying the points in it which time proves to be exposed rather than be deterred from approaching them by the suggestions of fear or the dictates of misplaced reverence.

A provision which does not secure to the people a direct choice of their Chief Magistrate, but has a tendency to defeat their will, presented to my mind such an inconsistency with the general spirit of our institutions that I was induced to suggest for your consideration the substitute which appeared to me at the same time the most likely to correct the evil and to meet the views of our constituents. The most mature reflection since has added strength to the belief that the best interests of our country require the speedy adoption of some plan calculated to effect this end. A contingency which sometimes places it in the power of a single member of the House of Representatives to decide an election of so high and solemn a character is unjust to the people, and becomes when it occurs a source of embarrassment to the individuals thus brought into power and a cause of distrust of the representative body. Liable as the Confederacy is, from its great extent, to parties founded upon sectional interests, and to a corresponding multiplication of candidates for the Presidency, the tendency of the constitutional reference to the House of Representatives is to devolve the election upon that body in almost every instance, and, whatever choice may then be made among the candidates thus presented to them, to swell the influence of particular interests to a degree inconsistent with the general good. The consequences of this feature of the Constitution appear far more threatening to the peace and integrity of the Union than any which I can conceive as likely to result from the simple legislative action of the Federal Government.

It was a leading object with the framers of the Constitution to keep as separate as possible the action of the legislative and executive branches of the Government. To secure this object nothing is more essential than to preserve the former from all temptations of private interest, and therefore so to direct the patronage of the latter as not to permit such temptations to be offered. Experience abundantly demonstrates that every precaution in this respect is a valuable safeguard of liberty, and one which my reflections upon the tendencies of our system incline me to think should be made still stronger. It was for this reason that, in connection with an amendment of the Constitution removing all intermediate agency in the choice of the President, I recommended some restrictions upon the reeligibility of that officer and upon the tenure of offices generally. The reason still exists, and I renew the recommendation with an increased confidence that its adoption will strengthen those checks by which the Constitution designed to secure the independence of each department of the Government and promote the healthful and equitable administration of all the trusts which it has created. The agent most likely to contravene this design of the Constitution is the Chief Magistrate. In order, particularly, that his appointment may as far as possible be placed beyond the reach of any improper influences; in order that he may approach the solemn responsibilities of the highest office in the gift of a free people uncommitted to any other course than the strict line of constitutional duty, and that the securities for this independence may be rendered as strong as the nature of power and the weakness of its possessor will admit, I can not too earnestly invite your attention to the propriety of promoting such an amendment of the Constitution as will render him ineligible after one term of service.

It gives me pleasure to announce to Congress that the benevolent policy of the Government, steadily pursued for nearly thirty years, in relation to the removal of the Indians beyond the white settlements is approaching to a happy consummation. Two important tribes have accepted the provision made for their removal at the last session of Congress, and it is believed that their example will induce the remaining tribes also to seek the same obvious advantages.

The consequences of a speedy removal will be important to the United States, to individual States, and to the Indians themselves. The pecuniary advantages which it promises to the Government are the least of its recommendations. It puts an end to all possible danger of collision between the authorities of the General and State Governments on account of the Indians. It will place a dense and civilized population in large tracts of country now occupied by a few savage hunters. By opening the whole territory between Tennessee on the north and Louisiana on the south to the settlement of the whites it will incalculably strengthen the southwestern frontier and render the adjacent States strong enough to repel future invasions without remote aid. It will relieve the whole State of Mississippi and the western part of Alabama of Indian occupancy, and enable those States to advance rapidly in population, wealth, and power. It will separate the Indians from immediate contact with settlements of whites; free them from the power of the States; enable them to pursue happiness in their own way and under their own rude institutions; will retard the progress of decay, which is lessening their numbers, and perhaps cause them gradually, under the protection of the Government and through the influence of good counsels, to cast off their savage habits and become an interesting, civilized, and Christian community. These consequences, some of them so certain and the rest so probable, make the complete execution of the plan sanctioned by Congress at their last session an object of much solicitude.

Toward the aborigines of the country no one can indulge a more friendly feeling than myself, or would go further in attempting to reclaim them from their wandering habits and make them a happy, prosperous people. I have endeavored to impress upon them my own solemn convictions of the duties and powers of the General Government in relation to the State authorities. For the justice of the laws passed by the States within the scope of their reserved powers they are not responsible to this Government. As individuals we may entertain and express our opinions of their acts, but as a Government we have as little right to control them as we have to prescribe laws for other nations.

With a full understanding of the subject, the Choctaw and the Chickasaw tribes have with great unanimity determined to avail themselves of the liberal offers presented by the act of Congress, and have agreed to remove beyond the Mississippi River. Treaties have been made with them, which in due season will be submitted for consideration. In negotiating these treaties they were made to understand their true condition, and they have preferred maintaining their independence in the Western forests to submitting to the laws of the States in which they now reside. These treaties, being probably the last which will ever be made with them, are characterized by great liberality on the part of the Government. They give the Indians a liberal sum in consideration of their removal, and comfortable subsistence on their arrival at their new homes. If it be their real interest to maintain a separate existence, they will there be at liberty to do so without the inconveniences and vexations to which they would unavoidably have been subject in Alabama and Mississippi.

Humanity has often wept over the fate of the aborigines of this country, and Philanthropy has been long busily employed in devising means to avert it, but its progress has never for a moment been arrested, and one by one have many powerful tribes disappeared from the earth. To follow to the tomb the last of his race and to tread on the graves of extinct nations excite melancholy reflections. But true philanthropy reconciles the mind to these vicissitudes as it does to the extinction of one generation to make room for another. In the monuments and fortresses of an unknown people, spread over the extensive regions of the West, we behold the memorials of a once powerful race, which was exterminated or has disappeared to make room for the existing savage tribes. Nor is there anything in this which, upon a comprehensive view of the general interests of the human race, is to be regretted. Philanthropy could not wish to see this continent restored to the condition in which it was found by our forefathers. What good man would prefer a country covered with forests and ranged by a few thousand savages to our extensive Republic, studded with cities, towns, and prosperous farms, embellished with all the improvements which art can devise or industry execute, occupied by more than 12,000,000 happy people, and filled with all the blessings of liberty, civilization, and religion?

The present policy of the Government is but a continuation of the same progressive change by a milder process. The tribes which occupied the countries now constituting the Eastern States were annihilated or have melted away to make room for the whites. The waves of population and civilization are rolling to the westward, and we now propose to acquire the countries occupied by the red men of the South and West by a fair exchange, and, at the expense of the United States, to send them to a land where their existence may be prolonged and perhaps made perpetual. Doubtless it will be painful to leave the graves of their fathers; but what do they more than our ancestors did or than our children are now doing? To better their condition in an unknown land our forefathers left all that was dear in earthly objects. Our children by thousands yearly leave the land of their birth to seek new homes in distant regions. Does Humanity weep at these painful separations from everything, animate and inanimate, with which the young heart has become entwined? Far from it. It is rather a source of joy that our country affords scope where our young population may range unconstrained in body or in mind, developing the power and faculties of man in their highest perfection. These remove hundreds and almost thousands of miles at their own expense, purchase the lands they occupy, and support themselves at their new homes from the moment of their arrival. Can it be cruel in this Government when, by events which it can not control, the Indian is made discontented in his ancient home to purchase his lands, to give him a new and extensive territory, to pay the expense of his removal, and support him a year in his new abode? How many thousands of our own people would gladly embrace the opportunity of removing to the West on such conditions! If the offers made to the

Indians were extended to them, they would be hailed with gratitude and joy.

And is it supposed that the wandering savage has a stronger attachment to his home than the settled, civilized Christian? Is it more afflicting to him to leave the graves of his fathers than it is to our brothers and children? Rightly considered, the policy of the General Government toward the red man is not only liberal, but generous. He is unwilling to submit to the laws of the States and mingle with their population. To save him from this alternative, or perhaps utter annihilation, the General Government kindly offers him a new home, and proposes to pay the whole expense of his removal and settlement.

In the consummation of a policy originating at an early period, and steadily pursued by every Administration within the present century—so just to the States and so generous to the Indians—the Executive feels it has a right to expect the cooperation of Congress and of all good and disinterested men. The States, moreover, have a right to demand it. It was substantially a part of the compact which made them members of our Confederacy. With Georgia there is an express contract; with the new States an implied one of equal obligation. Why, in authorizing Ohio, Indiana, Illinois, Missouri, Mississippi, and Alabama to form constitutions and become separate States, did Congress include within their limits extensive tracts of Indian lands, and, in some instances, powerful Indian tribes? Was it not understood by both parties that the power of the States was to be coextensive with their limits, and that with all convenient dispatch the General Government should extinguish the Indian title and remove every obstruction to the complete jurisdiction of the State governments over the soil? Probably not one of those States would have accepted a separate existence—certainly it would never have been granted by Congress—had it been understood that they were to be confined forever to those small portions of their nominal territory the Indian title to which had at the time been extinguished.

It is, therefore, a duty which this Government owes to the new States to extinguish as soon as possible the Indian title to all lands which Congress themselves have included within their limits. When this is done the duties of the General Government in relation to the States and the Indians within their limits are at an end. The Indians may leave the State or not, as they choose. The purchase of their lands does not alter in the least their personal relations with the State government. No act of the General Government has ever been deemed necessary to give the States jurisdiction over the persons of the Indians. That they possess by virtue of their sovereign power within their own limits in as full a manner before as after the purchase of the Indian lands; nor can this Government add to or diminish it.

May we not hope, therefore, that all good citizens, and none more zealously than those who think the Indians oppressed by subjection to the laws of the States, will unite in attempting to open the eyes of those children of the forest to their true condition, and by a speedy removal to relieve them from all the evils, real or imaginary, present or prospective, with which they may be supposed to be threatened.

Among the numerous causes of congratulation the condition of our impost revenue deserves special mention, inasmuch as it promises the means of extinguishing the public debt sooner than was anticipated, and furnishes a strong illustration of the practical effects of the present tariff upon our commercial interests.

The object of the tariff is objected to by some as unconstitutional, and it is considered by almost all as defective in many of its parts.

The power to impose duties on imports originally belonged to the several States. The right to adjust those duties with a view to the encouragement of domestic branches of industry is so completely incidental to that power that it is difficult to suppose the existence of the one without the other. The States have delegated their whole authority over imports to the General Government without limitation or restriction, saving the very inconsiderable reservation relating to their inspection laws. This authority having thus entirely passed from the States, the right to exercise it for the purpose of protection does not exist in them, and consequently if it be not possessed by the General Government it must be extinct. Our political system would thus present the anomaly of a people stripped of the right to foster their own industry and to counteract the most selfish and destructive policy which might be adopted by foreign nations. This surely can not be the case. This indispensable power thus surrendered by the States must be within the scope of the authority on the subject expressly delegated to Congress.

In this conclusion I am confirmed as well by the opinions of Presidents Washington, Jefferson, Madison, and Monroe, who have each repeatedly recommended the exercise of this right under the Constitution, as by the uniform practice of Congress, the continued acquiescence of the States, and the general understanding of the people.

The difficulties of a more expedient adjustment of the present tariff, although great, are far from being insurmountable. Some are unwilling to improve any of its parts because they would destroy the whole; others fear to touch the objectionable parts lest those they approve should be jeoparded. I am persuaded that the advocates of these conflicting views do injustice to the American people and to their representatives. The general interest is the interest of each, and my confidence is entire that to insure the adoption of such modifications of the tariff as the general interest requires it is only necessary that that interest should be understood.

It is an infirmity of our nature to mingle our interests and prejudices with the operation of our reasoning powers, and attribute to the objects of our likes and dislikes qualities they do not possess and effects they can not produce. The effects of the present tariff are doubtless overrated, both in its evils and in its advantages. By one class of reasoners the reduced price of cotton and other agricultural products is ascribed wholly to its influence, and by another the reduced price of manufactured articles. The probability is that neither opinion approaches the truth, and that both are induced by that influence of interests and prejudices to which I have referred. The decrease of prices extends throughout the commercial world, embracing not only the raw material and the manufactured article, but provisions and lands. The cause must therefore be deeper and more pervading than the tariff of the United States. It may in a measure be attributable to the increased value of the precious metals, produced by a diminution of the supply and an increase in the demand, while commerce has rapidly extended itself and population has augmented. The supply of gold and silver, the general medium of exchange, has been greatly interrupted by civil convulsions in the countries from which they are principally drawn. A part of the effect, too, is doubtless owing to an increase of operatives and improvements in machinery. But on the whole it is questionable whether the reduction in the price of lands, produce, and manufactures has been greater than the appreciation of the standard of value.

While the chief object of duties should be revenue, they may be so adjusted as to encourage manufactures. In this adjustment, however, it is the duty of the Government to be guided by the general good. Objects of national importance alone ought to be protected. Of these the productions of our soil, our mines, and our workshops, essential to national defense, occupy the first rank. Whatever other species of domestic industry, having the importance to which I have referred, may be expected, after temporary protection, to compete with foreign labor on equal terms merit the same attention in a subordinate degree.

The present tariff taxes some of the comforts of life unnecessarily high; it undertakes to protect interests too local and minute to justify a general exaction, and it also attempts to force some kinds of manufactures for which the country is not ripe. Much relief will be derived in some of these respects from the measures of your last session.

The best as well as fairest mode of determining whether from any just considerations a particular interest ought to receive protection would be to submit the question singly for deliberation. If after due examination of its merits, unconnected with extraneous considerations—such as a desire to sustain a general system or to purchase support for a different interest—it should enlist in its favor a majority of the representatives of the people, there can be little danger of wrong or injury in adjusting the tariff with reference to its protective effect. If this obviously just principle were honestly adhered to, the branches of industry which deserve protection would be saved from the prejudice excited against them when that protection forms part of a system by which portions of the country feel or conceive themselves to be oppressed. What is incalculably more important, the vital principle of our system—that principle which requires acquiescence in the will of the majority—would be secure from the discredit and danger to which it is exposed by the acts of majorities founded not on identity of conviction, but on combinations of small minorities entered into for the purpose of mutual assistance in measures which, resting solely on their own merits, could never be carried.

I am well aware that this is a subject of so much delicacy, on account of the extended interests it involves, as to require that it should be touched with the utmost caution, and that while an abandonment of the policy in which it originated—a policy coeval with our Government, and pursued through successive Administrations—is neither to be expected or desired, the people have a right to demand, and have demanded, that it be so modified as to correct abuses and obviate injustice.

That our deliberations on this interesting subject should be uninfluenced by those partisan conflicts that are incident to free institutions is the fervent wish of my heart. To make this great question, which unhappily so much divides and excites the public mind, subservient to the short-sighted views of faction must destroy all hope of settling it satisfactorily to the great body of the people and for the general interest. I can not, therefore, in taking leave of the subject, too earnestly for my own feelings or the common good warn you against the blighting consequences of such a course.

According to the estimates at the Treasury Department, the receipts in the Treasury during the present year will amount to $24,161,018, which will exceed by about $300,000 the estimate presented in the last annual report of the Secretary of the Treasury. The total expenditure during the year, exclusive of public debt, is estimated at $13,742,311, and the payment on account of public debt for the same period will have been $11,354,630, leaving a balance in the Treasury on the 1st of January, 1831, of $4,819,781.

In connection with the condition of our finances, it affords me pleasure to remark that judicious and efficient arrangements have been made by the Treasury Department for securing the pecuniary responsibility of the public officers and the more punctual payment of the public dues. The Revenue-Cutter Service has been organized and placed on a good footing, and aided by an increase of inspectors at exposed points, and regulations adopted under the act of May, 1830, for the inspection and appraisement of merchandise, has produced much improvement in the execution of the laws and more security against the commission of frauds upon the revenue. Abuses in the allowances for fishing bounties have also been corrected, and a material saving in that branch of the service thereby effected. In addition to these improvements the system of expenditure for sick seamen belonging to the merchant service has been revised, and being rendered uniform and economical the benefits of the fund applicable to this object have been usefully extended.

The prosperity of our country is also further evinced by the increased revenue arising from the sale of public lands, as will appear from the report of the Commissioner of the General Land Office and the documents accompanying it, which are herewith transmitted. I beg leave to draw your attention to this report, and to the propriety of making early appropriations for the objects which it specifies.

Your attention is again invited to the subjects connected with that portion of the public interests intrusted to the War Department. Some of them were referred to in my former message, and they are presented in detail in the report of the Secretary of War herewith submitted. I refer you also to the report of that officer for a knowledge of the state of the Army, fortifications, arsenals, and Indian affairs, all of which it will be perceived have been guarded with zealous attention and care. It is worthy of your consideration whether the armaments necessary for the fortifications on our maritime frontier which are now or shortly will be completed should not be in readiness sooner than the customary appropriations will enable the Department to provide them. This precaution seems to be due to the general system of fortification which has been sanctioned by Congress, and is recommended by that maxim of wisdom which tells us in peace to prepare for war.

I refer you to the report of the Secretary of the Navy for a highly satisfactory account of the manner in which the concerns of that Department have been conducted during the present year. Our position in relation to the most powerful nations of the earth, and the present condition of Europe, admonish us to cherish this arm of our national defense with peculiar care. Separated by wide seas from all those Governments whose power we might have reason to dread, we have nothing to apprehend from attempts at conquest. It is chiefly attacks upon our commerce and harassing inroads upon our coast against which we have to guard. A naval force adequate to the protection of our commerce, always afloat, with an accumulation of the means to give it a rapid extension in case of need, furnishes the power by which all such aggressions may be prevented or repelled. The attention of the Government has therefore been recently directed more to preserving the public vessels already built and providing materials to be placed in depot for future use than to increasing their number. With the aid of Congress, in a few years the Government will be prepared in case of emergency to put afloat a powerful navy of new ships almost as soon as old ones could be repaired.

The modifications in this part of the service suggested in my last annual message, which are noticed more in detail in the report of the Secretary of the Navy, are again recommended to your serious attention.

The report of the Postmaster-General in like manner exhibits a satisfactory view of the important branch of the Government under his charge. In addition to the benefits already secured by the operations of the Post-Office Department, considerable improvements within the present year have been made by an increase in the accommodation afforded by stage coaches, and in the frequency and celerity of the mail between some of the most important points of the Union.

Under the late contracts improvements have been provided for the southern section of the country, and at the same time an annual saving made of upward of $72,000. Notwithstanding the excess of expenditure beyond the current receipts for a few years past, necessarily incurred in the fulfillment of existing contracts and in the additional expenses between the periods of contracting to meet the demands created by the rapid growth and extension of our flourishing country, yet the satisfactory assurance is given that the future revenue of the Department will be sufficient to meet its extensive engagements. The system recently introduced that subjects its receipts and disbursements to strict regulation has entirely fulfilled its designs. It gives full assurance of the punctual transmission, as well as the security of the funds of the Department. The efficiency and industry of its officers and the ability and energy of contractors justify an increased confidence in its continued prosperity.

The attention of Congress was called on a former occasion to the necessity of such a modification in the office of Attorney-General of the United States as would render it more adequate to the wants of the public service. This resulted in the establishment of the office of Solicitor of the Treasury, and the earliest measures were taken to give effect to the provisions of the law which authorized the appointment of that officer and defined his duties. But it is not believed that this provision, however useful in itself, is calculated to supersede the necessity of extending the duties and powers of the Attorney-General's Office. On the contrary, I am convinced that the public interest would be greatly promoted by giving to that officer the general superintendence of the various law agents of the Government, and of all law proceedings, whether civil or criminal, in which the United States may be interested, allowing him at the same time such a compensation as would enable him to devote his undivided attention to the public business. I think such a provision is alike due to the public and to the officer.

Occasions of reference from the different Executive Departments to the Attorney-General are of frequent occurrence, and the prompt decision of the questions so referred tends much to facilitate the dispatch of business in those Departments. The report of the Secretary of the Treasury hereto appended shows also a branch of the public service not specifically intrusted to any officer which might be advantageously committed to the Attorney-General. But independently of those considerations this office is now one of daily duty. It was originally organized and its compensation fixed with a view to occasional service, leaving to the incumbent time for the exercise of his profession in private practice. The state of things which warranted such an organization no longer exists. The frequent claims upon the services of this officer would render his absence from the seat of Government in professional attendance upon the courts injurious to the public service, and the interests of the Government could not fail to be promoted by charging him with the general superintendence of all its legal concerns.

Under a strong conviction of the justness of these suggestions, I recommend it to Congress to make the necessary provisions for giving effect to them, and to place the Attorney-General in regard to compensation on the same footing with the heads of the several Executive Departments. To this officer might also be intrusted a cognizance of the cases of insolvency in public debtors, especially if the views which I submitted on this subject last year should meet the approbation of Congress—to which I again solicit your attention.

Your attention is respectfully invited to the situation of the District of Columbia. Placed by the Constitution under the exclusive jurisdiction and control of Congress, this District is certainly entitled to a much greater share of its consideration than it has yet received. There is a want of uniformity in its laws, particularly in those of a penal character, which increases the expense of their administration and subjects the people to all the inconveniences which result from the operation of different codes in so small a territory. On different sides of the Potomac the same offense is punishable in unequal degrees, and the peculiarities of many of the early laws of Maryland and Virginia remain in force, notwithstanding their repugnance in some cases to the improvements which have superseded them in those States.

Besides a remedy for these evils, which is loudly called for, it is respectfully submitted whether a provision authorizing the election of a delegate to represent the wants of the citizens of this District on the floor of Congress is not due to them and to the character of our Government. No portion of our citizens should be without a practical enjoyment of the principles of freedom, and there is none more important than that which cultivates a proper relation between the governors and the governed. Imperfect as this must be in this case, yet it is believed that it would be greatly improved by a representation in Congress with the same privileges that are allowed to the other Territories of the United States.

The penitentiary is ready for the reception of convicts, and only awaits the necessary legislation to put it into operation, as one object of which I beg leave to recall your attention to the propriety of providing suitable compensation for the officers charged with its inspection.

The importance of the principles involved in the inquiry whether it will be proper to recharter the Bank of the United States requires that I should again call the attention of Congress to the subject. Nothing has occurred to lessen in any degree the dangers which many of our citizens apprehend from that institution as at present organized. In the spirit of improvement and compromise which distinguishes our country and its institutions it becomes us to inquire whether it be not possible to secure the advantages afforded by the present bank through the agency of a Bank of the United States so modified in its principles and structure as to obviate constitutional and other objections.

It is thought practicable to organize such a bank with the necessary officers as a branch of the Treasury Department, based on the public and individual deposits, without power to make loans or purchase property, which shall remit the funds of the Government, and the expense of which may be paid, if thought advisable, by allowing its officers to sell bills of exchange to private individuals at a moderate premium. Not being a corporate body, having no stockholders, debtors, or property, and but few officers, it would not be obnoxious to the constitutional objections which are urged against the present bank; and having no means to operate on the hopes, fears, or interests of large masses of the community, it would be shorn of the influence which makes that bank formidable. The States would be strengthened by having in their hands the means of furnishing the local paper currency through their own banks, while the Bank of the United States, though issuing no paper, would check the issues of the State banks by taking their notes in deposit and for exchange only so long as they continue to be redeemed with specie. In times of public emergency the capacities of such an institution might be enlarged by legislative provisions.

These suggestions are made not so much as a recommendation as with a view of calling the attention of Congress to the possible modifications of a system which can not continue to exist in its present form without occasional collisions with the local authorities and perpetual apprehensions and discontent on the part of the States and the people.

In conclusion, fellow-citizens, allow me to invoke in behalf of your deliberations that spirit of conciliation and disinterestedness which is the gift of patriotism. Under an overruling and merciful Providence the agency of this spirit has thus far been signalized in the prosperity and glory of our beloved country. May its influence be eternal.

ANDREW JACKSON.

SPECIAL MESSAGES.

DECEMBER 9, 1830.

To the Senate of the United States.

GENTLEMEN: I transmit herewith a treaty concluded by commissioners duly authorized on the part of the United States with the Choctaw tribe of Indians, which, with explanatory documents, is submitted to the Senate for their advice and consent as to the ratification of the same.

ANDREW JACKSON.

WASHINGTON, *December 10, 1830.*

To the Senate of the United States:

I transmit to the Senate printed copies of the convention between the United States and His Majesty the King of Denmark, concluded at Copenhagen on the 28th March, 1830, and ratified by and with the advice and consent of the Senate.

ANDREW JACKSON.

[The same message was sent to the House of Representatives.]

WASHINGTON, *December 10, 1830.*

To the Senate of the United States:

I submit for the consideration of the Senate a treaty of commerce and navigation, together with a separate and secret article, concluded at Constantinople on the 7th day of May last, and signed by Charles Rhind, James Biddle, and David Offley as commissioners on the part of the United States, and by Mahommed Hamed, reis effendi, on the part of the Sublime Porte.

The French versions herewith transmitted, and accompanied by copies and English translations of the same, are transcripts of the original translations from the Turkish, signed by the commissioners of the United States and delivered to the Government of the Sublime Porte.

The paper in Turkish is the original signed by the Turkish plenipotentiary and delivered by him to the American commissioners. Of this a translation into the English language, and believed to be correct, is likewise transmitted.

ANDREW JACKSON.

WASHINGTON, *December 15, 1830.*

To the Senate and House of Representatives.

GENTLEMEN: From information received at the Department of State it is ascertained that owing to unforeseen circumstances several of the marshals have been unable to complete the enumeration of the inhabitants of the United States within the time prescribed by the act of the 23d March, 1830, viz, by the 1st day of the present month.

As the completion of the Fifth Census as respects several of the States of the Union will have been defeated unless Congress, to whom the case is submitted, shall by an act of the present session allow further time for making the returns in question, the expediency is suggested of allowing such an act to pass at as early a day as possible.

ANDREW JACKSON.

DECEMBER 20, 1830.

To the Senate of the United States:

In compliance with the resolution of the Senate of the 14th instant, calling for copies of any letters or other communications which may have been received at the Department of War from the chiefs and headmen, or any of them, of the Choctaw tribe of Indians since the treaty entered into by the commissioners on the part of the United States with that tribe of Indians at Dancing Rabbit Creek, and also for information showing the number of Indians belonging to that tribe who have emigrated to the country west of the Mississippi, etc., I submit herewith a report from the Secretary of War, containing the information requested.

ANDREW JACKSON.

WASHINGTON, *December 20, 1830.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 16th instant, calling for certain papers relative to the negotiation of the treaty between the United States and Turkey now before the Senate, I communicate the inclosed report of the Secretary of State, accompanied by the documents and containing the information requested.

ANDREW JACKSON.

DECEMBER 29, 1830.

To the Senate of the United States:

I submit to the consideration of the Senate two treaties—one of peace, the other of cession—concluded at Prairie du Chien on the 10th and 15th July, 1830, by commissioners duly authorized on the part of the United States and by deputations of the confederated tribes of Indians residing on the Upper Mississippi.

ANDREW JACKSON.

DECEMBER 30, 1830.

To the Senate of the United States:

A vacancy having arisen in the office of brigadier in consequence of the removal of General John Nicks from the Territory of Arkansas to Cantonment Gibson, I nominated at your last session William Montgomery to be general of the second brigade of militia of said Territory. By this communication I desire to correct the Journal of the Senate and my message of the 22d of April, 1830, so as to exclude the idea that General Nicks was removed from office.

ANDREW JACKSON.

WASHINGTON, *December 31, 1830.*

To the Senate and House of Representatives of the United States:

I transmit herewith to Congress a copy of a correspondence which lately passed between Major-General Von Scholten, His Danish Majesty's governor-general of his West India possessions and special minister to the United States, and Mr. Van Buren, Secretary of State, concerning the regulation of the commercial intercourse between those possessions and the United States, which comprehends the propositions that General Von Scholten made to this Government in behalf of his Sovereign upon that subject and the answers of the Secretary of State to the same, the last showing the grounds upon which this Government declined acceding to the overtures of the Danish envoy.

This correspondence is now submitted to the two Houses of Congress in compliance with the wish and request of General Von Scholten himself, and under the full persuasion upon my part that it will receive all the attention and consideration to which the very friendly relations that have so long subsisted between the United States and the King of Denmark especially entitle it in the councils of this Union.

ANDREW JACKSON.

JANUARY 3, 1831.

To the Senate of the United States:

Since my message of the 20th of December last, transmitting to the Senate a report from the Secretary of War, with information requested by the resolution of the Senate of the 14th December, in relation to the treaty concluded at Dancing Rabbit Creek with the Choctaw Indians, I have received the two letters which are herewith inclosed, containing further information on the subject.

ANDREW JACKSON.

WASHINGTON, *January 3, 1831.*

To the Senate and House of Representatives of the United States:

I communicate to Congress the papers relating to the recent arrangement with Great Britain with respect to the trade between her colonial possessions and the United States, to which reference was made in my message at the opening of the present session.

It will appear from those documents that owing to the omission in the act of the 29th of May last of a clause expressly restricting importations into the British colonies in American vessels to the productions of the United States, to the amendment engrafted upon that act in the House of Representatives, providing that when the trade with the West India colonies should be opened the commercial intercourse of the United States with all other parts of the British dominions or possessions should be left on a footing not less favorable to the United States than it now is, and to the act not specifying the terms upon which British vessels coming from the northern colonies should be admitted to entry into the ports of the United States, an apprehension was entertained by the Government of Great Britain that under the contemplated arrangement claims might be set up on our part inconsistent with the propositions submitted by our minister and with the terms to which she was willing to agree, and that this circumstance led to explanations between Mr. McLane and the Earl of Aberdeen respecting the intentions of Congress and the true construction to be given to the act referred to.

To the interpretation given by them to that act I did not hesitate to agree. It was quite clear that in adopting the amendment referred to Congress could not have intended to preclude future alterations in the existing intercourse between the United States and other parts of the British dominions; and the supposition that the omission to restrict in terms the importations to the productions of the country to which the vessels respectively belong was intentional was precluded by the propositions previously made by this Government to that of Great Britain, and which were before Congress at the time of the passage of the act; by the principles which govern the maritime legislation of the two countries and by the provisions of the existing commercial treaty between them.

Actuated by this view of the subject, and convinced that it was in accordance with the real intentions of Congress, I felt it my duty to give effect to the arrangement by issuing the required proclamation, of which a copy is likewise herewith communicated.

ANDREW JACKSON.

JANUARY 5, 1831.

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 17th of December last, calling for information on the subject of internal improvement, I submit herewith a report from the Secretaries of War and Treasury, containing the information required.

ANDREW JACKSON.

JANUARY 7, 1831.

To the House of Representatives:

I beg leave to call the attention of Congress to the accompanying report from the Navy Department, upon the state of the accounts of the Navy in the office of the Fourth Auditor, and to suggest the necessity of correcting the evils complained of by early legislation.

ANDREW JACKSON.

WASHINGTON, *January 11, 1831.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES:

I transmit to Congress a report of the Secretary of State, with the report to him from the Patent Office which accompanied it, in relation to the concerns of that office, and recommend the whole subject to early and favorable consideration.

ANDREW JACKSON.

[The same message was sent to the Senate.]

JANUARY 15, 1831.

To the Senate of the United States:

In compliance with the resolution of the Senate of the 23d ultimo, requesting to be informed of the quantity of live-oak timber in the United States, where it is, and what means are employed to preserve it, I present herewith a report of the Secretary of the Navy, containing the information required.

ANDREW JACKSON.

JANUARY 15, 1831.

To the House of Representatives:

I submit to the consideration of Congress the accompanying report and documents from the Navy Department, in relation to the capture of the Spanish slave vessel called *The Fenix*, and recommend that suitable legislative provision be made for the maintenance of the unfortunate captives pending the legislation which has grown out of the case.

ANDREW JACKSON.

JANUARY 24, 1831.

To the Senate of the United States:

I transmit herewith a report from the Secretary of War, containing the information requested by the resolution of the Senate of the 21st instant, in relation to "the state of the British establishments in the valley of the Columbia and the state of the fur trade as carried on by the citizens of the United States and the Hudsons Bay Company."

ANDREW JACKSON.

JANUARY 25, 1831.

To the House of Representatives:

I beg leave to call the attention of Congress to the inclosed communication from the Secretary of the Navy, in relation to the pay and other allowances of the officers of the Marine Corps, and to recommend the adoption of the legislative provisions suggested in it.

ANDREW JACKSON.

WASHINGTON, D. C., *January 26, 1831.*

To the Senate of the United States:

In pursuance of the advice and consent of the Senate as expressed in their resolution of the 10th February, 1830, the treaty of commerce and navigation between the United States and Austria concluded in this city on the 27th of August, 1829, was duly ratified by this Government on the 11th day of the same month of February; but the treaty itself containing a stipulation that the ratifications of the two parties to it should be exchanged within twelve months from the date of its signature, and that of the Austrian Government not having been received here till after the expiration of the time limited, I have not thought myself at liberty under these circumstances, without the additional advice and consent of the Senate, to authorize that ceremony on the part of this Government. Information having been received at the Department of State from the Austrian representative in the United States that he is prepared to proceed to the exchange of the ratifications of his Government for that of this, the question is therefore submitted to the Senate for their advice and consent upon the occasion.

ANDREW JACKSON.

FEBRUARY 3, 1831.

To the Senate of the United States:

I respectfully submit to the Senate, in answer to their legislative resolution of the 20th ultimo, in relation to the sales of land at the Crawfordsville land office in November last, reports from the Secretary of the Treasury and the Commissioner of the General Land Office.

Concurring with the Secretary of the Treasury in the views he has taken of the treaties and act of Congress touching the subject, I can not discover that the President is invested with any power under the Constitution or laws to withhold a patent from a purchaser who has given a fair and valuable consideration for land, and thereby acquired a vested right to the same; nor do I perceive that the sole legislative resolution of the Senate can confer such a power, or suspend the right of the citizens to enter the lands that have been offered for sale in said district and remain unsold, so long as the law authorizing the same remains unrepealed.

I beg leave, therefore, to present the subject to the reconsideration of the Senate.

ANDREW JACKSON.

WASHINGTON, *February 3, 1831.*

To the House of Representatives:

I transmit to the House of Representatives a report from the Treasury Department, in compliance with the resolution of the House of Representatives of the 3d ultimo, calling for the correspondence in relation to locating a cession of lands made or intended to be made by the Pottawattamie tribe of Indians for the benefit of the State of Indiana, etc.

ANDREW JACKSON.

To the House of Representatives of the United States:

I communicate to the House of Representatives, in compliance with their resolution of the 29th of January last, calling for information and papers respecting the seizure of American vessels by the naval forces of

Portugal forming the blockade of the island of Terceira, a report from the Secretary of State, which, with the documents accompanying it, contains the information in his Department upon that subject, and avail myself of the occasion further to inform the House of Representatives that orders had before the introduction of the resolution referred to been given to fit out a ship of war for the more effectual protection of our commerce in that quarter.

ANDREW JACKSON.

FEBRUARY 16, 1831

WASHINGTON, *February 19, 1831*.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES:

I present for the consideration of Congress a report from the Secretary of War, relative to a compromise of title of the island on which Fort Delaware has been constructed.

ANDREW JACKSON.

[The same message was sent to the Senate.]

FEBRUARY 22, 1831.

To the Congress of the United States:

I transmit to Congress a letter from Mr. Rhind, stating the circumstances under which he received the four Arabian horses that were brought by him to the United States from Turkey. His letter will enable Congress to decide what ought to be done with them.

ANDREW JACKSON.

FEBRUARY 22, 1831.

To the Senate of the United States:

I have received your resolution of the 15th instant, requesting me "to inform the Senate whether the provisions of the act entitled 'An act to regulate trade and intercourse with the Indian tribes and to preserve peace on the frontiers,' passed the 30th of March, 1802, have been fully complied with on the part of the United States Government, and if they have not that he inform the Senate of the reasons that have induced the Government to decline the enforcement of said act," and I now reply to the same.

According to my views of the act referred to, I am not aware of any omission to carry into effect its provisions in relation to trade and intercourse with the Indian tribes so far as their execution depended on the agency confided to the Executive.

The numerous provisions of that act designed to secure to the Indians the peaceable possession of their lands may be reduced, substantially, to the following: That citizens of the United States are restrained under sufficient penalties from entering upon the lands for the purpose of hunting thereon, or of settling them, or of giving their horses and cattle the benefit of a range upon them, or of traveling through them without a written permission; and that the President of the United States is authorized to employ the military force of the country to secure the observance of these provisions. The authority to the President, however, is not imperative. The language is:

> It shall be lawful for the President to take such measures and to employ such military force as he may judge necessary to remove from lands belonging to or secured by treaty to any Indian tribe any citizen who shall make a settlement thereon.

By the nineteenth section of this act it is provided that nothing in it "shall be construed to prevent any trade or intercourse with Indians living on lands surrounded by settlements of citizens of the United States and being within the ordinary jurisdiction of any of the individual States." This provision I have interpreted as being prospective in its operation and as applicable not only to Indian tribes which at the date of its passage were subject to the jurisdiction of any State, but to such also as should thereafter become so. To this construction of its meaning I have endeavored to conform, and have taken no step inconsistent with it. As soon, therefore, as the sovereign power of the State of Georgia was exercised by an extension of her laws throughout her limits, and I had received information of the same, orders were given to withdraw from the State the troops which had been detailed to prevent intrusion upon the Indian lands within it, and these orders were executed. The reasons which dictated them shall be frankly communicated.

The principle recognized in the section last quoted was not for the first time then avowed. It is conformable to the uniform practice of the Government before the adoption of the Constitution, and amounts to a distinct recognition by Congress at that early day of the doctrine that that instrument had not varied the powers of the Federal Government over Indian affairs from what they were under the Articles of Confederation. It is not believed that there is a single instance in the legislation of the country in which the Indians have been regarded as possessing political rights independent of the control and authority of the States within the limits of which they resided. As early as the year 1782 the Journals of Congress will show that no claim of such a character was countenanced by that body. In that year the application of a tribe of Indians residing in South Carolina to have certain tracts of land which had been reserved for their use in that State secured to them free from intrusion, and without the right of alienating them even with their own consent, was brought to the consideration of Congress by a report from the Secretary of War. The resolution which was adopted on that occasion is as follows:

> *Resolved*, That it be recommended to the legislature of South Carolina to take such measures for the satisfaction and security of said tribes as the said legislature in their wisdom may think fit.

Here is no assertion of the right of Congress under the Articles of Confederation to interfere with the jurisdiction of the States over Indians within their limits, but rather a negation of it. They refused to interfere with the subject, and referred it under a general recommendation back to the State, to be disposed of as her wisdom might decide.

If in addition to this act and the language of the Articles of Confederation anything further can be wanting to show the early views of the Government on the subject, it will be found in the proclamation issued by Congress in 1783. It contains this language:

> The United States in Congress assembled have thought proper to issue their proclamation, and they do hereby prohibit and forbid all persons from making settlements on lands inhabited or claimed by Indians without the limits or jurisdiction of any particular State.

And again:

> *Resolved*, That the preceding measures of Congress relative to Indian affairs shall not be construed to affect the territorial claims of any of the States or their legislative rights within their respective limits.

It was not then pretended that the General Government had the power in their relations with the Indians to control or oppose the internal polity of the individual States of this Union, and if such was the case under the Articles of Confederation the only question on the subject since must arise out of some more enlarged power or authority given to the General Government by the present Constitution. Does any such exist?

Amongst the enumerated grants of the Constitution that which relates to this subject is expressed in these words: "Congress shall have power to regulate commerce with the Indian tribes." In the interpretation of this power we ought certainly to be guided by what had been the practice of the Government and the meaning which had been generally attached to the resolves of the old Congress if the words used to convey it do not clearly import a different one, as far as it affects the question of jurisdiction in the individual States. The States ought not to be divested of any part of their antecedent jurisdiction by implication or doubtful construction. Tested by this rule it seems to me to be unquestionable that the jurisdiction of the States is left untouched by this clause of the Constitution, and that it was designed to give to the General Government complete control over the trade and intercourse of those Indians only who were not within the limits of any State.

From a view of the acts referred to and the uniform practice of the Government it is manifest that until recently it has never been maintained that the right of jurisdiction by a State over Indians within its territory was subordinate to the power of the Federal Government. That doctrine has not been enforced nor even asserted in any of the States of New England where tribes of Indians have resided, and where a few of them yet remain. These tribes have been left to the undisturbed control of the States in which they were found, in conformity with the view which has been taken of the opinions prevailing up to 1789 and the clear interpretation of the act of 1802. In the State of New York, where several tribes have resided, it has been the policy of the Government to avoid entering into quasi treaty engagements with them, barely appointing commissioners occasionally on the part of the United States to facilitate the objects of the State in its negotiations with them. The Southern States present an exception to this policy. As early as 1784 the settlements within the limits of North Carolina were advanced farther to the west than the authority of the State to enforce an obedience of its laws. Others were in a similar condition. The necessities, therefore, and not the acknowledged principles, of the Government must have suggested the policy of treating with the Indians in that quarter as the only practicable mode of conciliating their good will. The United States at that period had just emerged from a protracted war for the achievement of their independence. At the moment of its conclusion many of these tribes, as powerful as they were ferocious in their mode of warfare, remained in arms, desolating our frontier settlements. Under these circumstances the first treaties, in 1785 and 1790, with the Cherokees, were concluded by the Government of the United States, and were evidently sanctioned as measures of necessity adapted to the character of the Indians and indispensable to the peace and security of the western frontier. But they can not be understood as changing the political relations of the Indians to the States or to the Federal Government. To effect this would have required the operation of quite a different principle and the intervention of a tribunal higher than that of the treaty-making power.

To infer from the assent of the Government to this deviation from the practice which had before governed its intercourse with the Indians, and the accidental forbearance of the States to assert their right of jurisdiction over them, that they had surrendered this portion of their sovereignty, and that its assumption now is usurpation, is conceding too much to the necessity which dictated those treaties, and doing violence to the principles of the Government and the rights of the States without benefiting in the least degree the Indians. The Indians thus situated can not be regarded in any other light than as members of a foreign government or of that of the State within whose chartered limits they reside. If in the former, the ordinary legislation of Congress in relation to them is not warranted by the Constitution, which was established for the benefit of our own, not of a foreign people. If in the latter, then, like other citizens or people resident within the limits of the States, they are subject to their jurisdiction and control. To maintain a contrary doctrine and to require the Executive to enforce it by the employment of a military force would be to place in his hands a power to make war upon the rights of the States and the liberties of the country—a power which should be placed in the hands of no individual.

If, indeed, the Indians are to be regarded as people possessing rights which they can exercise independently of the States, much error has arisen in the intercourse of the Government with them. Why is it that they have been called upon to assist in our wars without the privilege of exercising their own discretion? If an independent people, they should as such be consulted and advised with; but they have not been. In an order which was issued to me from the War Department in September, 1814, this language is employed:

> All the friendly Indians should be organized and prepared to cooperate with your other forces. There appears to be some dissatisfaction among the Choctaws; their friendship and services should be secured without delay. The friendly Indians must be fed and paid, and *made to fight when* and *where their services may be required.*

To an independent and foreign people this would seem to be assuming, I should suppose, rather too lofty a tone—one which the Government would not have assumed if they had considered them in that light. Again, by the Constitution the power of declaring war belongs exclusively to Congress. We have been often engaged in war with the Indian tribes within our limits, but when have these hostilities been preceded or accompanied by an act of Congress declaring war against the tribe which was the object of them? And was the prosecution of such hostilities an usurpation in each case by the Executive which conducted them of the constitutional power of Congress? It must have been so, I apprehend, if these tribes are to be considered as foreign and independent nations.

The steps taken to prevent intrusion upon Indian lands had their origin with the commencement of our Government, and became the subject of special legislation in 1802, with the reservations which have been mentioned in favor of the jurisdiction of the States. With the exception of South Carolina, who has uniformly regulated the Indians within her limits without the aid of the General Government, they have been felt within all the States of the South without being understood to affect their rights or prevent the exercise of their jurisdiction, whenever they were in a situation to assume and enforce it. Georgia, though materially concerned, has on this principle forborne to spread her legislation farther than the settlements of her own white citizens, until she has recently perceived within her limits a people claiming to be capable of self-government, sitting in legislative council, organizing courts and administering justice. To disarm such an anomalous invasion of her sovereignty she has declared her determination to execute her own laws throughout her limits—a step which seems to have been anticipated by the proclamation of 1783, and which is perfectly consistent with the nineteenth section of the act of 1802. According to the language and reasoning of that section, the tribes to the South and the Southwest are not only "surrounded by settlements of the citizens of the United States," but are now also "within the ordinary jurisdiction of the individual States." They became so from the moment the laws of the State were extended over them, and the same result follows the similar determination of Alabama and Mississippi. These States have each a right to claim in behalf of their position now on this question the same respect which is conceded to the other States of the Union.

Toward this race of people I entertain the kindest feelings, and am not sensible that the views which I have taken of their true interests are less favorable to them than those which oppose their emigration to the West. Years since I stated to them my belief that if the States chose to extend their laws over them it would not be in the power of the Federal Government to prevent it. My opinion remains the same, and I can see no alternative for them but that of their removal to the West or a quiet submission to the State laws. If they prefer to remove, the United States agree to defray their expenses, to supply them the means of transportation and a year's support after they reach their new homes—a provision too liberal and kind to deserve the stamp of injustice. Either course promises them peace and happiness, whilst an obstinate perseverance in the effort to maintain their possessions independent of the State authority can not fail to render their condition still more helpless and miserable. Such an effort ought, therefore, to be discountenanced by all who sincerely sympathize in the fortunes of this peculiar people, and especially by the political bodies of the Union, as calculated to disturb the harmony of the two Governments and to endanger the safety of the many blessings which they enable us to enjoy.

As connected with the subject of this inquiry, I beg leave to refer to the accompanying letter from the Secretary of War, inclosing the orders which proceeded from that Department, and a letter from the governor of Georgia.

ANDREW JACKSON.

WASHINGTON, *February 26, 1831.*

To the Senate of the United States:

The inclosed report* of the Secretary of War is herewith inclosed in answer to the resolution of the Senate of yesterday's date.

ANDREW JACKSON.

To the Senate of the United States:

I present for the consideration of the Senate articles of agreement entered into and concluded by commissioners duly appointed on the part of the United States and the chiefs of the Menominee tribe of Indians at Green Bay. Various attempts were made to reconcile the conflicting interests of the New York Indians, but without success, as will appear by the report made by the Secretary of War. No stipulation in their favor could be introduced into the agreement without the consent of the Menominees, and that consent could not be obtained to any greater extent than the articles show.

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* Relative to the expenditure of appropriations for improving the Ohio and Mississippi rivers.

Congress only is competent now to adjust and arrange these differences and satisfy the demands of the New York Indians. The whole matter is respectfully submitted.

ANDREW JACKSON.

FEBRUARY 28, 1831.

To the Senate of the United States:

I submit to the consideration of the Senate of the United States articles of agreement and convention concluded this day between the United States, by a commissioner duly authorized, and the Seneca tribe of Indians resident in the State of Ohio.

ANDREW JACKSON.

FEBRUARY 28, 1831.

FEBRUARY 28, 1831.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES:

I lay before the House of Representatives a treaty recently concluded with the Choctaw tribe of Indians, that provision may be made for carrying the same into effect agreeably to the estimate heretofore presented by the Secretary of War to the Committee of Ways and Means. It is a printed copy as it passed the Senate, no amendment having been made except to strike out the preamble. I also communicate a letter from the Secretary of War on this subject.

ANDREW JACKSON.

MARCH 1, 1831.

To the Senate of the United States:

I transmit herewith, for the use of the Senate, printed copies of the treaties which have been lately ratified between the United States and the Choctaw Indians and between the United States and the confederated tribes of the Sacs and Foxes and other tribes.

ANDREW JACKSON.

[The same message was sent to the House of Representatives.]

WASHINGTON, *March 2, 1831.*

To the Senate and House of Representatives of the United States:

I communicate to Congress a treaty of commerce and navigation between the United States and the Emperor of Austria, concluded in this city on the 28th March, 1830, the ratifications of which were exchanged on the 10th of February last.

ANDREW JACKSON.

BUREAU OF ENGRAVING AND PRINTING (New Building).—This is a manufacturing bureau of the Treasury Department. Here are printed postage and revenue stamps, paper money, government bonds, military, naval and diplomatic commissions, passports, etc.

Bureau of Engraving and Printing

MARCH 2, 1831.

To the Senate of the United States:

John H. Clack, a master commandant in the Navy of the United States, having rank as such from the 24th April, 1828, was on the sentence of a court-martial, which was approved by me, ordered to be dismissed from the service. On a reexamination of the record of the trial I am satisfied that the proceeding was illegal in substance, and therefore that the sentence was void.

To restore the party to the rights of which he was deprived by the enforcement of a sentence which was in law erroneous and void, I nominate the said John H. Clack to be a master commandant in the Navy of the United States, to take rank as such from the 24th April, 1828.

ANDREW JACKSON.

PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas information has been transmitted to the President of the United States by the governor of the Territory of Arkansas that certain persons pretending to act under the authority of the Mexican Government, and without any lawful right or power derived from that of the United States, have attempted to and do survey, for sale and settlement, a portion of the public lands in said Territory, and particularly in the counties of Lafayette, Sevier, and Miller, and have presumed to and do administer to the citizens residing in said counties the oath of allegiance to the said Mexican Government; and

Whereas such acts and practices are contrary to the law of the land and the provisions of the act of Congress approved the 3d day of March, A. D. 1807, and are offenses against the peace and public tranquillity of the said Territory and the inhabitants thereof:

Now, therefore, be it known that I, Andrew Jackson, President of the United States, by virtue of the power and authority vested in me in and by the said act of Congress, do issue this my proclamation, commanding and strictly enjoining all persons who have unlawfully entered upon, taken possession of, or made any settlement on the public lands in the said counties of Lafayette, Sevier, or Miller, or who may be in the unlawful occupation or possession of the same, or any part thereof, forthwith to depart and remove therefrom; and I do hereby command and require the marshal of the said Territory of Arkansas, or other officer or officers acting as such marshal, from and after the 15th day of April next to remove or cause to be removed all persons who may then unlawfully be upon, in possession of, or who may unlawfully occupy any of the public lands in the said counties of Lafayette, Sevier, or Miller, or who may be surveying or attempting to survey the same without any authority therefor from the Government of the United States; and to execute and carry into effect this proclamation I do hereby authorize the employment of such military force as may be necessary pursuant to the act of Congress aforesaid, and warn all offenders in the premises that they will be prosecuted and punished in such other way and manner as may be consistent with the provisions and requisitions of the law in such case made and provided.

Done at the city of Washington, this 10th day of February, A. D. 1831, and of the Independence of the United States of America the fifty-fifth.

ANDREW JACKSON.

By the President.

EXECUTIVE ORDER.

WASHINGTON, *August 6, 1831*.

ACTING SECRETARY OF WAR.

SIR: You will, after the receipt of this, report to the President for dismissal every clerk in your office who shall avail himself of the benefit of the insolvent debtors' act for debts contracted during my Administration.

Very respectfully,

ANDREW JACKSON.

[The same order was addressed to the Secretary of the Navy.]

THIRD ANNUAL MESSAGE.

DECEMBER 6, 1831.

Fellow-Citizens of the Senate and House of Representatives:

The representation of the people has been renewed for the twenty-second time since the Constitution they formed has been in force. For near half a century the Chief Magistrates who have been successively chosen have made their annual communications of the state of the nation to its representatives. Generally these communications have been of the most gratifying nature, testifying an advance in all the improvements of social and all the securities of political life. But frequently and justly as you have been called on to be grateful for the bounties of Providence, at few periods have they been more abundantly or extensively bestowed than at the present; rarely, if ever, have we had greater reason to congratulate each other on the continued and increasing prosperity of our beloved country.

Agriculture, the first and most important occupation of man, has compensated the labors of the husbandman with plentiful crops of all the varied products of our extensive country. Manufactures have been established in which the funds of the capitalist find a profitable investment, and which give employment and subsistence to a numerous and increasing body of industrious and dexterous mechanics. The laborer is rewarded by high wages in the construction of works of internal improvement, which are extending with unprecedented rapidity. Science is steadily penetrating the recesses of nature and disclosing her secrets, while the ingenuity of free minds is subjecting the elements to the power of man and making each new conquest auxiliary to his comfort. By our mails, whose speed is regularly increased and whose routes are every year extended, the communication of public intelligence and private business is rendered frequent and safe; the intercourse between distant cities, which it formerly required weeks to accomplish, is now effected in a few days; and in the construction of railroads and the application of steam power we have a reasonable prospect that the extreme parts of our country will be so much approximated and those most isolated by the obstacles of nature rendered so accessible as to remove an apprehension sometimes entertained that the great extent of the Union would endanger its permanent existence.

If from the satisfactory view of our agriculture, manufactures, and internal improvements we turn to the state of our navigation and trade with foreign nations and between the States, we shall scarcely find less cause for gratulation. A beneficent Providence has provided for their exercise and encouragement an extensive coast, indented by capacious bays, noble rivers, inland seas; with a country productive of every material for shipbuilding and every commodity for gainful commerce, and filled with a population active, intelligent, well-informed, and fearless of danger. These advantages are not neglected, and an impulse has lately been given to commercial enterprise, which fills our shipyards with new constructions, encourages all the arts and branches of industry connected with them, crowds the wharves of our cities with vessels, and covers the most distant seas with our canvas.

Let us be grateful for these blessings to the beneficent Being who has conferred them, and who suffers us to indulge a reasonable hope of their continuance and extension, while we neglect not the means by which they may be preserved. If we may dare to judge of His future designs by the manner in which His past favors have been bestowed, He has made our national prosperity to depend on the preservation of our liberties, our national force on our Federal Union, and our individual happiness on the maintenance of our State rights and wise institutions. If we are prosperous at home and respected abroad, it is because we are free, united, industrious, and obedient to the laws. While we continue so we shall by the blessing of Heaven go on in the happy career we have begun, and which has brought us in the short period of our political existence from a population of three to thirteen millions; from thirteen separate colonies to twenty-four united States; from weakness to strength; from a rank scarcely marked in the scale of nations to a high place in their respect.

This last advantage is one that has resulted in a great degree from the principles which have guided our intercourse with foreign powers since we have assumed an equal station among them, and hence the annual account which the Executive renders to the country of the manner in which that branch of his duties has been fulfilled proves instructive and salutary.

The pacific and wise policy of our Government kept us in a state of neutrality during the wars that have at different periods since our political existence been carried on by other powers; but this policy, while it gave activity and extent to our commerce, exposed it in the same proportion to injuries from the belligerent nations. Hence have arisen claims of indemnity for those injuries. England, France, Spain, Holland, Sweden, Denmark, Naples, and lately Portugal had all in a greater or less degree infringed our neutral rights. Demands for reparation were made upon all. They have had in all, and continue to have in some, cases a leading influence on the nature of our relations with the powers on whom they were made.

Of the claims upon England it is unnecessary to speak further than to say that the state of things to which their prosecution and denial gave rise has been succeeded by arrangements productive of mutual good feeling and amicable relations between the two countries, which it is hoped will not be interrupted. One of these arrangements is that relating to the colonial trade which was communicated to Congress at the last session; and although the short period during which it has been in force will not enable me to form an accurate judgment of its operation, there is every reason to believe that it will prove highly beneficial. The trade thereby authorized has employed to the 30th September last upward of 30,000 tons of American and 15,000 tons of foreign shipping in the outward voyages, and in the inward nearly an equal amount of American and 20,000 only of foreign tonnage. Advantages, too, have resulted to our agricultural interests from the state of the trade between Canada and our Territories and States bordering on the St. Lawrence and the Lakes which may prove more than equivalent to the loss sustained by the discrimination made to favor the trade of the northern colonies with the West Indies.

After our transition from the state of colonies to that of an independent nation many points were found necessary to be settled between us and Great Britain. Among them was the demarcation of boundaries not described with sufficient precision in the treaty of peace. Some of the lines that divide the States and Territories of the United States from the British Provinces have been definitively fixed. That, however, which separates us from the Provinces of Canada and New Brunswick to the north and the east was still in dispute when I came into office, but I found arrangements made for its settlement over which I had no control. The commissioners who had been appointed under the provisions of the treaty of Ghent having been unable to agree, a convention was made with Great Britain by my immediate predecessor in office, with the advice and consent of the Senate, by which it was agreed "that the points of difference which have arisen in the settlement of the boundary line between the American and British dominions, as described in the fifth article of the treaty of Ghent, shall be referred, as therein provided, to some friendly sovereign or State, who shall be invited to investigate and make a decision upon such points of difference;" and the King of the Netherlands having by the late President and His Britannic Majesty been designated as such friendly sovereign, it became my duty to carry with good faith the agreement so made into full effect. To this end I caused all the measures to be taken which were necessary to a full exposition of our case to the sovereign arbiter, and nominated as minister plenipotentiary to his Court a distinguished citizen of the State most interested in the question, and who had been one of the agents previously employed for settling the controversy. On the 10th day of January last His Majesty the King of the Netherlands delivered to the plenipotentiaries of the United States and of Great Britain his written opinion on the case referred to him. The papers in relation to the subject will be communicated by a special message to the proper branch of the Government with the perfect confidence that its wisdom will adopt such measures as will secure an amicable settlement of the controversy without infringing any constitutional right of the States immediately interested.

It affords me satisfaction to inform you that suggestions made by my direction to the chargé d'affaires of His Britannic Majesty to this Government have had their desired effect in producing the release of certain American citizens who were imprisoned for setting up the authority of the State of Maine at a place in the disputed territory under the actual jurisdiction of His Britannic Majesty. From this and the assurances I have received of the desire of the local authorities to avoid any cause of collision I have the best hopes that a good understanding will be kept up until it is confirmed by the final disposition of the subject.

The amicable relations which now subsist between the United States and Great Britain, the increasing intercourse between their citizens, and the rapid obliteration of unfriendly prejudices to which former events naturally gave rise concurred to present this as a fit period for renewing our endeavors to provide against the recurrence of causes of irritation which in the event of war between Great Britain and any other power would inevitably endanger our peace. Animated by the sincerest desire to avoid such a state of things, and peacefully to secure under all possible circumstances the rights and honor of the country, I have given such instructions to the minister lately sent to the Court of London as will evince that desire, and if met by a correspondent disposition, which we can not doubt, will put an end to causes of collision which, without advantage to either, tend to estrange from each other two nations who have every motive to preserve not only peace, but an intercourse of the most amicable nature.

In my message at the opening of the last session of Congress I expressed a confident hope that the justice of our claims upon France, urged as they were with perseverance and signal ability by our minister there, would finally be acknowledged. This hope has been realized. A treaty has been signed which will immediately be laid before the Senate for its approbation, and which, containing stipulations that require legislative acts, must have the concurrence of both Houses before it can be carried into effect. By it the French Government engage to pay a sum which, if not quite equal to that which may be found due to our citizens, will yet, it is believed, under all circumstances, be deemed satisfactory by those interested. The offer of a gross sum instead of the satisfaction of each individual claim was accepted because the only alternatives were a rigorous exaction of the whole amount stated to be due on each claim, which might in some instances be exaggerated by design, in others overrated through error, and which, therefore, it would have been both ungracious and unjust to have insisted on; or a settlement by a mixed commission, to which the French negotiators were very averse, and which experience in other cases had shewn to be dilatory and often wholly inadequate to the end. A comparatively small sum is stipulated on our part to go to the extinction of all claims by French citizens on our Government, and a reduction of duties on our cotton and their wines has been agreed on as a consideration for the renunciation of an important claim for commercial privileges under the construction they gave to the treaty for the cession of Louisiana.

Should this treaty receive the proper sanction, a source of irritation will be stopped that has for so many years in some degree alienated from each other two nations who, from interest as well as the remembrance of early associations, ought to cherish the most friendly relations; an encouragement will be given for perseverance in the demands of justice by this new proof that if steadily pursued they will be listened to, and admonition will be offered to those powers, if any, which may be inclined to evade them that they will never be abandoned; above all, a just confidence will be inspired in our fellow-citizens that their Government will exert all the powers with which they have invested it in support of their just claims upon foreign nations; at the same time that the frank acknowledgment and provision for the payment of those which were addressed to our equity, although unsupported by legal proof, affords a practical illustration of our submission to the divine rule of doing to others what we desire they should do unto us.

Sweden and Denmark having made compensation for the irregularities committed by their vessels or in their ports to the perfect satisfaction of the parties concerned, and having renewed the treaties of commerce entered into with them, our political and commercial relations with those powers continue to be on the most friendly footing.

With Spain our differences up to the 22d of February, 1819, were settled by the treaty of Washington of that date, but at a subsequent period our commerce with the States formerly colonies of Spain on the continent of America was annoyed and frequently interrupted by her public and private armed ships. They captured many of our vessels prosecuting a lawful commerce and sold them and their cargoes, and at one time to our demands for restoration and indemnity opposed the allegation that they were taken in the violation of a blockade of all the ports of those States. This blockade was declaratory only, and the inadequacy of the force to maintain it was so manifest that this allegation was varied to a charge of trade in contraband of war. This, in its turn, was also found untenable, and the minister whom I sent with instructions to press for the reparation that was due to our injured fellow-citizens has transmitted an answer to his demand by which the captures are declared to have been legal, and are justified because the independence of the States of America never having been acknowledged by Spain she had a right to prohibit trade with them under her old colonial laws. This ground of defense was contradictory, not only to those which had been formerly alleged, but to the uniform practice and established laws of nations, and had been abandoned by Spain herself in the convention which granted indemnity to British subjects for captures made at the same time, under the same circumstances, and for the same allegations with those of which we complain.

I, however, indulge the hope that further reflection will lead to other views, and feel confident that when His Catholic Majesty shall be convinced of the justice of the claims his desire to preserve friendly relations between the two countries, which it is my earnest endeavor to maintain, will induce him to accede to our demand. I have therefore dispatched a special messenger with instructions to our minister to bring the case once more to his consideration, to the end that if (which I can not bring myself to believe) the same decision (that can not but be deemed an unfriendly denial of justice) should be persisted in the matter may before your adjournment be laid before you, the constitutional judges of what is proper to be done when negotiation for redress of injury fails.

The conclusion of a treaty for indemnity with France seemed to present a favorable opportunity to renew our claims of a similar nature on other powers, and particularly in the case of those upon Naples, more especially as in the course of former negotiations with that power our failure to induce France to render us justice was used as an argument against us. The desires of the merchants, who were the principal sufferers, have therefore been acceded to, and a mission has been instituted for the special purpose of obtaining for them a reparation already too long delayed. This measure having been resolved on, it was put in execution without waiting for the meeting of Congress, because the state of Europe created an apprehension of events that might have rendered our application ineffectual.

Our demands upon the Government of the Two Sicilies are of a peculiar nature. The injuries on which they are founded are not denied, nor are the atrocity and perfidy under which those injuries were perpetrated attempted to be extenuated. The sole ground on which indemnity has been refused is the alleged illegality of the tenure by which the monarch who made the seizures held his crown. This defense, always unfounded in any principle of the law of nations, now universally abandoned, even by those powers upon whom the responsibility for acts of past rulers bore the most heavily, will unquestionably be given up by His Sicilian Majesty, whose counsels will receive an impulse from that high sense of honor and regard to justice which are said to characterize him; and I feel the fullest confidence that the talents of the citizen commissioned for that purpose will place before him the just claims of our injured citizens in such a light as will enable me before your adjournment to announce that they have been adjusted and secured. Precise instructions to the effect of bringing the negotiation to a speedy issue have been given, and will be obeyed.

In the late blockade of Terceira some of the Portuguese fleet captured several of our vessels and committed other excesses, for which reparation was demanded, and I was on the point of dispatching an armed force to prevent any recurrence of a similar violence and protect our citizens in the prosecution of their lawful commerce when official assurances, on which I relied, made the sailing of the ships unnecessary. Since that period frequent promises have been made that full indemnity shall be given for the injuries inflicted and the losses sustained. In the performance there has been some, perhaps unavoidable, delay; but I have the fullest confidence that my earnest desire that this business may at once be closed, which our minister has been instructed strongly to express, will very soon be gratified. I have the better ground for this hope from the evidence of a friendly disposition which that Government has shown by an actual reduction in the duty on rice the produce of our Southern States, authorizing the anticipation that this important article of our export will soon be admitted on the same footing with that produced by the most favored nation.

With the other powers of Europe we have fortunately had no cause of discussions for the redress of injuries. With the Empire of the Russias our political connection is of the most friendly and our commercial of the most liberal kind. We enjoy the advantages of navigation and trade given to the most favored nation, but it has not yet suited their policy, or perhaps has not been found convenient from other considerations, to give stability and reciprocity to those privileges by a commercial treaty. The ill health of the minister last year charged with making a proposition for that arrangement did not permit him to remain at St. Petersburg, and the attention of that Government during the whole of the period since his departure having been occupied by the war in which it was engaged, we have been assured that nothing could have been effected by his presence. A minister will soon be nominated, as well to effect this important object as to keep up the relations of amity and good understanding of which we have received so many assurances and proofs from His Imperial Majesty and the Emperor his predecessor.

The treaty with Austria is opening to us an important trade with the hereditary dominions of the Emperor, the value of which has been hitherto little known, and of course not sufficiently appreciated. While our commerce finds an entrance into the south of Germany by means of this treaty, those we have formed with the Hanseatic towns and Prussia and others now in negotiation will open that vast country to the enterprising spirit of our merchants on the north—a country abounding in all the materials for a mutually beneficial commerce, filled with enlightened and industrious inhabitants, holding an important place in the politics of Europe, and to which we owe so many valuable citizens. The ratification of the treaty with the Porte was sent to be exchanged by the gentleman appointed our chargé d'affaires to that Court. Some difficulties occurred on his arrival, but at the date of his last official dispatch he supposed they had been obviated and that there was every prospect of the exchange being speedily effected.

This finishes the connected view I have thought it proper to give of our political and commercial relations in Europe. Every effort in my power will be continued to strengthen and extend them by treaties founded on principles of the most perfect reciprocity of interest, neither asking nor conceding any exclusive advantage, but liberating as far as it lies in my power the activity and industry of our fellow-citizens from the shackles which foreign restrictions may impose.

To China and the East Indies our commerce continues in its usual extent, and with increased facilities which the credit and capital of our merchants afford by substituting bills for payments in specie. A daring outrage having been committed in those seas by the plunder of one of our merchantmen engaged in the pepper trade at a port in Sumatra, and the piratical perpetrators belonging to tribes in such a state of society that the usual course of proceedings between civilized nations could not be pursued, I forthwith dispatched a frigate with orders to require immediate satisfaction for the injury and indemnity to the sufferers.

Few changes have taken place in our connections with the independent States of America since my last communication to Congress. The ratification of a commercial treaty with the United Republics of Mexico has been for some time under deliberation in their Congress, but was still undecided at the date of our last dispatches. The unhappy civil commotions that have prevailed there were undoubtedly the cause of the delay, but as the Government is now said to be tranquillized we may hope soon to receive the ratification of the treaty and an arrangement for the demarcation of the boundaries between us. In the meantime, an important trade has been opened with mutual benefit from St. Louis, in the State of Missouri, by caravans to the interior Provinces of Mexico. This commerce is protected in its progress through the Indian countries by the troops of the United States, which have been permitted to escort the caravans beyond our boundaries to the settled part of the Mexican territory.

From Central America I have received assurances of the most friendly kind and a gratifying application for our good offices to remove a supposed indisposition toward that Government in a neighboring State. This application was immediately and successfully complied with. They gave us also the pleasing intelligence that differences which had prevailed in their internal affairs had been peaceably adjusted. Our treaty with this Republic continues to be faithfully observed, and promises a great and beneficial commerce between the two countries—a commerce of the greatest importance if the magnificent project of a ship canal through the dominions of that State from the Atlantic to the Pacific Ocean, now in serious contemplation, shall be executed.

I have great satisfaction in communicating the success which has attended the exertions of our minister in Colombia to procure a very considerable reduction in the duties on our flour in that Republic. Indemnity also has been stipulated for injuries received by our merchants from illegal seizures, and renewed assurances are given that the treaty between the two countries shall be faithfully observed.

Chili and Peru seem to be still threatened with civil commotions, and until they shall be settled disorders may naturally be apprehended, requiring the constant presence of a naval force in the Pacific Ocean to protect our fisheries and guard our commerce.

The disturbances that took place in the Empire of Brazil previously to and immediately consequent upon the abdication of the late Emperor necessarily suspended any effectual application for the redress of some past injuries suffered by our citizens from that Government, while they have been the cause of others, in which all foreigners seem to have participated. Instructions have been given to our minister there to press for indemnity due for losses occasioned by these irregularities, and to take care that our fellow-citizens shall enjoy all the privileges stipulated in their favor by the treaty lately made between the two powers, all which the good intelligence that prevails between our minister at Rio Janeiro and the Regency gives us the best reason to expect.

I should have placed Buenos Ayres in the list of South American powers in respect to which nothing of importance affecting us was to be communicated but for occurrences which have lately taken place at the Falkland Islands, in which the name of that Republic has been used to cover with a show of authority acts injurious to our commerce and to the property and liberty of our fellow-citizens. In the course of the present year one of our vessels, engaged in the pursuit of a trade which we have always enjoyed without molestation, has been captured by a band acting, as they pretend, under the authority of the Government of Buenos Ayres. I have therefore given orders for the dispatch of an armed vessel to join our squadron in those seas and aid in affording all lawful protection to our trade which shall be necessary, and shall without delay send a minister to inquire into the nature of the circumstances and also of the claim, if any, that is set up by that Government to those islands. In the meantime, I submit the case to the consideration of Congress, to the end that they may clothe the Executive with such authority and means as they may deem necessary for providing a force adequate to the complete protection of our fellow-citizens fishing and trading in those seas.

This rapid sketch of our foreign relations, it is hoped, fellow-citizens, may be of some use in so much of your legislation as may bear on that important subject, while it affords to the country at large a source of high gratification in the contemplation of our political and commercial connection with the rest of the world. At peace with all; having subjects of future difference with few, and those susceptible of easy adjustment; extending our commerce gradually on all sides and on none by any but the most liberal and mutually beneficial means, we may, by the blessing of Providence, hope for all that national prosperity which can be derived from an intercourse with foreign nations, guided by those eternal principles of justice and reciprocal good will which are binding as well upon States as the individuals of whom they are composed.

I have great satisfaction in making this statement of our affairs, because the course of our national policy enables me to do it without any indiscreet exposure of what in other governments is usually concealed from the people. Having none but a straightforward, open course to pursue, guided by a single principle that will bear the strongest light, we have happily no political combinations to form, no alliances to entangle us, no complicated interests to consult, and in subjecting all we have done to the consideration of our citizens and to the inspection of the world we give no advantage to other nations and lay ourselves open to no injury.

It may not be improper to add that to preserve this state of things and give confidence to the world in the integrity of our designs all our consular and diplomatic agents are strictly enjoined to examine well every cause of complaint preferred by our citizens, and while they urge with proper earnestness those that are well founded, to countenance none that are unreasonable or unjust, and to enjoin on our merchants and navigators the strictest obedience to the laws of the countries to which they resort, and a course of conduct in their dealings that may support the character of our nation and render us respected abroad.

Connected with this subject, I must recommend a revisal of our consular laws. Defects and omissions have been discovered in their operation that ought to be remedied and supplied. For your further information on this subject I have directed a report to be made by the Secretary of State, which I shall hereafter submit to your consideration.

The internal peace and security of our confederated States is the next principal object of the General Government. Time and experience have proved that the abode of the native Indian within their limits is dangerous to their peace and injurious to himself. In accordance with my recommendation at a former session of Congress, an appropriation of half a million of dollars was made to aid the voluntary removal of the various tribes beyond the limits of the States. At the last session I had the happiness to announce that the Chickasaws and Choctaws had accepted the generous offer of the Government and agreed to remove beyond the Mississippi River, by which the whole of the State of Mississippi and the western part of Alabama will be freed from Indian occupancy and opened to a civilized population. The treaties with these tribes are in a course of execution, and their removal, it is hoped, will be completed in the course of 1832.

At the request of the authorities of Georgia the registration of Cherokee Indians for emigration has been resumed, and it is confidently expected that one-half, if not two-thirds, of that tribe will follow the wise example of their more westerly brethren. Those who prefer remaining at their present homes will hereafter be governed by the laws of Georgia, as all her citizens are, and cease to be the objects of peculiar care on the part of the General Government.

During the present year the attention of the Government has been particularly directed to those tribes in the powerful and growing State of Ohio, where considerable tracts of the finest lands were still occupied by the aboriginal proprietors. Treaties, either absolute or conditional, have been made extinguishing the whole Indian title to the reservations in that State, and the time is not distant, it is hoped, when Ohio will be no longer embarrassed with the Indian population. The same measures will be extended to Indiana as soon as there is reason to anticipate success. It is confidently believed that perseverance for a few years in the present policy of the Government will extinguish the Indian title to all lands lying within the States composing our Federal Union, and remove beyond their limits every Indian who is not willing to submit to their laws. Thus will all conflicting claims to jurisdiction between the States and the Indian tribes be put to rest. It is pleasing to reflect that results so beneficial, not only to the States immediately concerned, but to the harmony of the Union, will have been accomplished by measures equally advantageous to the Indians. What the native savages become when surrounded by a dense population and by mixing with the whites may be seen in the miserable remnants of a few Eastern tribes, deprived of political and civil rights, forbidden to make contracts, and subjected to guardians, dragging out a wretched existence, without excitement, without hope, and almost without thought.

But the removal of the Indians beyond the limits and jurisdiction of the States does not place them beyond the reach of philanthropic aid and Christian instruction. On the contrary, those whom philanthropy or religion may induce to live among them in their new abode will be more free in the exercise of their benevolent functions than if they had remained within the limits of the States, embarrassed by their internal regulations. Now subject to no control but the superintending agency of the General Government, exercised with the sole view of preserving peace, they may proceed unmolested in the interesting experiment of gradually advancing a community of American Indians from barbarism to the habits and enjoyments of civilized life.

Among the happiest effects of the improved relations of our Republic has been an increase of trade, producing a corresponding increase of revenue beyond the most sanguine anticipations of the Treasury Department.

The state of the public finances will be fully shown by the Secretary of the Treasury in the report which he will presently lay before you. I will here, however, congratulate you upon their prosperous condition. The revenue received in the present year will not fall short of $27,700,000, and the expenditures for all objects other than the public debt will not exceed $14,700,000. The payment on account of the principal and interest of the debt during the year will exceed $16,500,000, a greater sum than has been applied to that object out of the revenue in any year since the enlargement of the sinking fund except the two years following immediately thereafter. The amount which will have been applied to the public debt from the 4th of March, 1829, to the 1st of January next, which is less than three years since the Administration has been placed in my hands, will exceed $40,000,000.

From the large importations of the present year it may be safely estimated that the revenue which will be received into the Treasury from that source during the next year, with the aid of that received from the public lands, will considerably exceed the amount of the receipts of the present year; and it is believed that with the means which the Government will have at its disposal from various sources, which will be fully stated by the proper Department, the whole of the public debt may be extinguished, either by redemption or purchase, within the four years of my Administration. We shall then exhibit the rare example of a great nation, abounding in all the means of happiness and security, altogether free from debt.

The confidence with which the extinguishment of the public debt may be anticipated presents an opportunity for carrying into effect more fully the policy in relation to import duties which has been recommended in my former messages. A modification of the tariff which shall produce a reduction of our revenue to the wants of the Government and an adjustment of the duties on imports with a view to equal justice in relation to all our national interests and to the counteraction of foreign policy so far as it may be injurious to those interests, is deemed to be one of the principal objects which demand the consideration of the present Congress. Justice to the interests of the merchant as well as the manufacturer requires that material reductions in the import duties be prospective; and unless the present Congress shall dispose of the subject the proposed reductions can not properly be made to take effect at the period when the necessity for the revenue arising from present rates shall cease. It is therefore desirable that arrangements be adopted at your present session to relieve the people from unnecessary taxation after the extinguishment of the public debt. In the exercise of that spirit of concession and conciliation which has distinguished the friends of our Union in all great emergencies, it is believed that this object may be effected without injury to any national interest.

In my annual message of December, 1829, I had the honor to recommend the adoption of a more liberal policy than that which then prevailed toward unfortunate debtors to the Government, and I deem it my duty again to invite your attention to this subject.

Actuated by similar views, Congress at their last session passed an act for the relief of certain insolvent debtors of the United States, but the provisions of that law have not been deemed such as were adequate to that relief to this unfortunate class of our fellow-citizens which may be safely extended to them. The points in which the law appears to be defective will be particularly communicated by the Secretary of the Treasury, and I take pleasure in recommending such an extension of its provisions as will unfetter the enterprise of a valuable portion of our citizens and restore to them the means of usefulness to themselves and the community. While deliberating on this subject I would also recommend to your consideration the propriety of so modifying the laws for enforcing the payment of debts due either to the public or to individuals suing in the courts of the United States as to restrict the imprisonment of the person to cases of fraudulent concealment of property. The personal liberty of the citizen seems too sacred to be held, as in many cases it now is, at the will of a creditor to whom he is willing to surrender all the means he has of discharging his debt.

The reports from the Secretaries of the War and Navy Departments and from the Postmaster-General, which accompany this message, present satisfactory views of the operations of the Departments respectively under their charge, and suggest improvements which are worthy of and to which I invite the serious attention of Congress. Certain defects and omissions having been discovered in the operation of the laws respecting patents, they are pointed out in the accompanying report from the Secretary of State.

I have heretofore recommended amendments of the Federal Constitution giving the election of President and Vice-President to the people and limiting the service of the former to a single term. So important do I consider these changes in our fundamental law that I can not, in accordance with my sense of duty, omit to press them upon the consideration of a new Congress. For my views more at large, as well in relation to these points as to the disqualification of members of Congress to receive an office from a President in whose election they have had an official agency, which I proposed as a substitute, I refer you to my former messages.

Our system of public accounts is extremely complicated, and it is believed may be much improved. Much of the present machinery and a considerable portion of the expenditure of public money may be dispensed with, while greater facilities can be afforded to the liquidation of claims upon the Government and an examination into their justice and legality quite as efficient as the present secured. With a view to a general reform in the system, I recommend the subject to the attention of Congress.

I deem it my duty again to call your attention to the condition of the District of Columbia. It was doubtless wise in the framers of our Constitution to place the people of this District under the jurisdiction of the General Government, but to accomplish the objects they had in view it is not necessary that this people should be deprived of all the privileges of self-government. Independently of the difficulty of inducing the representatives of distant States to turn their attention to projects of laws which are not of the highest interest to their constituents, they are not individually, nor in Congress collectively, well qualified to legislate over the local concerns of this District. Consequently its interests are much neglected, and the people are almost afraid to present their grievances, lest a body in which they are not represented and which feels little sympathy in their local relations should in its attempt to make laws for them do more harm than good. Governed by the laws of the States whence they were severed, the two shores of the Potomac within the 10 miles square have different penal codes—not the present codes of Virginia and Maryland, but such as existed in those States at the time of the cession to the United States. As Congress will not form a new code, and as the people of the District can not make one for themselves, they are virtually under two governments. Is it not just to allow them at least a

Delegate in Congress, if not a local legislature, to make laws for the District, subject to the approval or rejection of Congress? I earnestly recommend the extension to them of every political right which their interests require and which may be compatible with the Constitution.

The extension of the judiciary system of the United States is deemed to be one of the duties of Government. One-fourth of the States in the Union do not participate in the benefits of a circuit court. To the States of Indiana, Illinois, Missouri, Alabama, Mississippi, and Louisiana, admitted into the Union since the present judicial system was organized, only a district court has been allowed. If this be sufficient, then the circuit courts already existing in eighteen States ought to be abolished; if it be not sufficient, the defect ought to be remedied, and these States placed on the same footing with the other members of the Union. It was on this condition and on this footing that they entered the Union, and they may demand circuit courts as a matter not of concession, but of right. I trust that Congress will not adjourn leaving this anomaly in our system.

Entertaining the opinions heretofore expressed in relation to the Bank of the United States as at present organized, I felt it my duty in my former messages frankly to disclose them, in order that the attention of the Legislature and the people should be seasonably directed to that important subject, and that it might be considered and finally disposed of in a manner best calculated to promote the ends of the Constitution and subserve the public interests. Having thus conscientiously discharged a constitutional duty, I deem it proper on this occasion, without a more particular reference to the views of the subject then expressed, to leave it for the present to the investigation of an enlightened people and their representatives.

In conclusion permit me to invoke that Power which superintends all governments to infuse into your deliberations at this important crisis of our history a spirit of mutual forbearance and conciliation. In that spirit was our Union formed, and in that spirit must it be preserved.

ANDREW JACKSON.

SPECIAL MESSAGES.

WASHINGTON, *December 6, 1831.*

To the Senate of the United States:

I transmit to the Senate, for their advice with regard to its ratification, a treaty between the United States and France, signed at Paris by the plenipotentiaries of the two Governments on the 4th of July, 1831.

With the treaty are also transmitted the dispatch which accompanied it, and two others on the same subject received since.

ANDREW JACKSON.

DECEMBER 7, 1831.

Gentlemen of the Senate:

In my public message to both Houses of Congress I communicated the state in which I had found the controverted claims of Great Britain and the United States in relation to our northern and eastern boundary, and the measures which since my coming into office I had pursued to bring it to a close, together with the fact that on the 10th day of January last the sovereign arbiter had delivered his opinion to the plenipotentiaries of the United States and Great Britain.

I now transmit to you that opinion for your consideration, that you may determine whether you will advise submission to the opinion delivered by the sovereign arbiter and consent to its execution.

That you may the better be enabled to judge of the obligation as well as the expediency of submitting to or rejecting the decision of the arbiter, I herewith transmit—

1. A protest made by the minister plenipotentiary of the United States after receiving the opinion of the King of the Netherlands, on which paper it may be necessary to remark that I had always determined, whatever might have been the result of the examination by the sovereign arbiter, to have submitted the same to the Senate for their advice before I executed or rejected it. Therefore no instructions were given to the ministers to do any act that should commit the Government as to the course it might deem proper to pursue on a full consideration of all the circumstances of the case.

2. The dispatches from our minister at The Hague accompanying the protest, as well as those previous and subsequent thereto, in relation to the subject of the submission.

3. Communications between the Department of State and the governor of the State of Maine in relation to this subject.

4. Correspondence between the chargé d'affaires of His Britannic Majesty and the Department of State in relation to the arrest of certain persons at Madawasca under the authority of the British Government at New Brunswick.

It is proper to add that in addition to the evidence derived from Mr. Preble's dispatches of the inclination of the British Government to abide by the award, assurances to the same effect have been uniformly made to our minister at London, and that an official communication on that subject may very soon be expected.

ANDREW JACKSON.

WASHINGTON CITY, *December 7, 1831.*

To the Congress of the United States:

I transmit herewith, for the information of Congress, two letters from the Secretary of State, accompanied by statements from that Department showing the progress which has been made in taking the Fifth Census of the inhabitants of the United States, and also by a printed copy of the revision of the statements heretofore transmitted to Congress of all former enumerations of the population of the United States and their Territories.

ANDREW JACKSON.

WASHINGTON, *December 13, 1831.*

To the Senate and House of Representatives of the United States:

The accompanying papers show the situation of extreme peril from which more than sixty of our fellow-citizens have been rescued by the courage and humanity of the master and crew of a Spanish brig. As no property was saved, there were no means of making pecuniary satisfaction for the risk and loss incurred in performing this humane and meritorious service. Believing, therefore, that the obligation devolved upon the nation, but having no funds at my disposal which I could think constitutionally applicable to the case, I have thought honor as well as justice required that the facts should be submitted to the consideration of Congress, in order that they might provide not only a just indemnity for the losses incurred, but some compensation adequate to the merit of the service.

ANDREW JACKSON.

WASHINGTON, *December 13, 1831.*

To the Senate of the United States:

I transmit herewith, in obedience to a resolution of the Senate of the 8th December, 1831, all the information in the possession of the Executive relative to the capture, abduction, and imprisonment of American citizens by the provincial authorities of New Brunswick, and the measures which, in consequence thereof, have been adopted by the Executive of the United States.

ANDREW JACKSON.

WASHINGTON CITY, *December 21, 1831.*

To the Congress of the United States:

I transmit herewith, for the information of Congress, a report of the Secretary of State, respecting tonnage duties levied at Martinique and Guadaloupe on American vessels and on French vessels from those islands to the United States.

ANDREW JACKSON.

WASHINGTON CITY, *December 21, 1831.*

Gentlemen of the Senate:

Since my message of the 7th instant, transmitting the award of the King of the Netherlands, I have received the official communication, then expected, of the determination of the British Government to abide by the award. This communication is now respectfully laid before you for the purpose of aiding your deliberations on the same subject.

ANDREW JACKSON.

WASHINGTON, *December 29, 1831.*

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 19th instant, requesting the President of the United States to communicate to it "the correspondence between the governor of Georgia and any Department of this Government, in the years 1830 and 1831, in relation to the boundary line between the State of Georgia and the Territory of Florida," I transmit herewith a communication from the Secretary of State, with copies of the papers referred to. It is proper to add, as the resolutions on this subject from the governor and legislature of Georgia were received after the adjournment of the last Congress, and as that body, after having the same subject under consideration, had failed to authorize the President to take any steps in relation to it, that it was my intention to present it in due time to the attention of the present Congress by special message. This determination has been hastened by the call of the House for the information now communicated, and it only remains for me to await the action of Congress upon the subject.

ANDREW JACKSON.

WASHINGTON, *January 5, 1832.*

To the Senate:

I herewith lay before the Senate, for their advice and consent as to the ratification of the same, a treaty between the United States and the principal chiefs and warriors of the mixed band of Seneca and Shawnee Indians living on the waters of the Great Miami and within the territorial limits of the county of Logan, in the State of Ohio, entered into on the 30th day of July, 1831; and also a treaty between the United States and the chiefs, headmen, and warriors of the band of Ottaway Indians residing within the State of Ohio, entered into on the 30th of August, 1831.

ANDREW JACKSON.

WASHINGTON, *January 10, 1832.*

To the Senate and House of Representatives:

I herewith transmit a report made by the Secretary of State on the subject of a commercial arrangement with the Republic of Colombia, which requires legislative action to carry it into effect.

ANDREW JACKSON.

WASHINGTON, *January 12, 1832.*

To the Senate of the United States:

I herewith lay before the Senate, for their advice and consent as to the ratification of the same, a treaty made on the 8th of August last with the Shawnee Indians.

ANDREW JACKSON.

WASHINGTON, *January 18, 1832.*

To the Senate:

I transmit herewith a report of the Secretary of State, in answer to the resolution of the Senate of the 3d instant, and accompanied by copies of the instructions and correspondence relative to the late treaty with France, called for by that resolution.

ANDREW JACKSON.

WASHINGTON, *January 20, 1832.*

To the Congress of the United States:

I respectfully invite the attention of Congress to the propriety of compromising the title of the islands on which Fort Delaware stands in the manner pointed out by the accompanying report from the War Department. This subject was presented to Congress during the last session, but for want of time, it is believed, did not receive its action.

ANDREW JACKSON.

WASHINGTON, *January 23, 1832.*

To the House of Representatives:

I herewith transmit to the House of Representatives a copy of a correspondence between the late minister of Great Britain and the late Secretary of State of the United States on the subject of a claim of Cyrenius Hall, a British subject and an inhabitant of Upper Canada, for the loss which he alleges to have sustained in consequence of the imputed seizure of a schooner (his property) by the collector of the customs at Venice, in Sandusky Bay, in the year 1821, and the subsequent neglect of that officer in relation to the said schooner, together with copies of the documents adduced in support of the claim, that such legislative provision may be made in behalf of the claimant as shall appear just and proper in the case.

ANDREW JACKSON.

WASHINGTON, *January 24, 1832.*

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 20th instant, I herewith transmit a report from the Secretary of War, containing all the information in possession of the Executive required by that resolution.

For the reason assigned by the Secretary in his report I have to request that the abstracts of the Choctaw reservations may be returned to the War Department when the House shall no longer require them.

ANDREW JACKSON.

WASHINGTON, *January 26, 1832.*

To the House of Representatives:

I transmit herewith reports from the Secretaries of the War and Navy Departments, containing the information required by the resolution of the House of the 5th instant, in regard to the expenditures on breakwaters since 1815.

ANDREW JACKSON.

WASHINGTON, *January 27, 1832.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 18th instant, I herewith transmit a report* of the Secretary of State, which, together with the letter of His Britannic Majesty's chargé d'affaires heretofore communicated, demanding the execution of the opinion delivered by the sovereign arbiter, contains all the information requested by the said resolution, omitting nothing that may enable the Senate to give the advice requested by my message of the 7th of December last, on the question of carrying into effect the opinion of the King of the Netherlands.

ANDREW JACKSON.

WASHINGTON CITY, *January 27, 1832.*

To the Senate of the United States:

Since the dismission of Lieutenant Hampton Westcott for participating as second in a duel in March, A. D. 1830, a more particular investigation of the circumstances has resulted in exonerating him from having instigated the fatal meeting, and the said Westcott, on a trial by a jury, has been acquitted of all legal guilt in the transaction.

I therefore nominate the said Hampton Westcott to be a lieutenant in the Navy of the United States from the 17th of May, 1828, his former date, and to take rank next after Richard R. McMullin.

ANDREW JACKSON.

WASHINGTON, *February 3, 1832.*

To the Senate:

In addition to the documents relating to the settlement of the northeastern boundary of the United States now in possession of the Senate, I have just received certain proceedings and resolutions of the legislature of the State of Maine on the subject, which are herewith transmitted.

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* Relating to the northeastern boundary of the United States.

ANDREW JACKSON.

WASHINGTON, *February 6, 1832.*

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 3d March, 1831, I transmit herewith a report from the Secretary of State on the subject of the regulations of England, France, and the Netherlands respecting their fisheries.

ANDREW JACKSON.

WASHINGTON, *February 7, 1832.*

To the Senate and House of Representatives of the United States:

A convention having been entered into between the United States and the King of the French, it has been ratified with the advice and consent of the Senate; and my ratification having been exchanged in due form on the 2d of February, 1832, by the Secretary of State and the envoy extraordinary and minister plenipotentiary of the King of the French, it is now communicated to you for consideration in your legislative capacity.

You will observe that some important conditions can not be carried into execution but with the aid of the Legislature, and that the proper provisions for that purpose seem to be required without delay.

ANDREW JACKSON.

WASHINGTON, *February 7, 1832.*

To the Senate and House of Representatives of the United States:

A treaty of commerce and navigation having been entered into between the United States and the Sublime Porte, it has been ratified with the advice and consent of the Senate; and my ratification having been exchanged in due form on the 5th October, 1831, by our chargé d'affaires at Constantinople and that Government, it is now communicated to both Houses of Congress.

ANDREW JACKSON.

WASHINGTON, *February 8, 1832.*

To the Senate:

I transmit herewith, for the information of the Senate, a report from the Department of War, showing the situation of the country at Green Bay ceded for the benefit of the New York Indians, and also the proceedings of the commissioner, who has lately had a meeting with them.

ANDREW JACKSON.

WASHINGTON, *February 8, 1832.*

To the Senate:

I transmit herewith a report of the Secretary of War, made in compliance with a resolution of the Senate of March 2, 1831, requesting the President of the United States "to cause to be collected and reported to the Senate at the commencement of the next stated session of Congress the most authentic information which can be obtained of the number and names of the American citizens who have been killed or robbed while engaged in the fur trade or the inland trade to Mexico since the late war with Great Britain, the amount of the robberies committed, and at what places and by what tribes; also the number of persons who annually engage in the fur trade and inland trade to Mexico, the amount of capital employed, and the annual amount of the proceeds in furs, robes, peltries, money, etc.; also the disadvantages, if any, which these branches of trade labor under, and the means for their relief and protection."

ANDREW JACKSON.

WASHINGTON, *February 10, 1832.*

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 3d March, 1831, I herewith transmit a report of the Secretary of War "of the survey of the Savannah and Tennessee rivers made in 1828."

ANDREW JACKSON.

WASHINGTON, *February 13, 1832.*

To the Senate:

I herewith transmit a report from the Secretary of State, containing the information and documents* called for by a resolution of the Senate of the 9th instant.

ANDREW JACKSON.

WASHINGTON, *February 15, 1832.*

To the Senate and House of Representatives:

Being more and more convinced that the destiny of the Indians within the settled portion of the United States depends upon their entire and speedy migration to the country west of the Mississippi set apart for their permanent residence, I am anxious that all the arrangements necessary to the complete execution of the plan of removal and to the ultimate security and improvement of the Indians should be made without further delay. Those who have already removed and are removing are sufficiently numerous to engage the serious attention of the Government, and it is due not less to them than to the obligation which the nation has assumed that every reasonable step should be taken to fulfill the expectations that have been held out to them. Many of those who yet remain will no doubt within a short period become sensible that the course recommended is the only one which promises stability or improvement, and it is to be hoped that all of them will realize this truth and unite with their brethren beyond the Mississippi. Should they do so, there would then be no question of jurisdiction to prevent the Government from exercising such a general control over their affairs as may be essential to their interest and safety. Should any of them, however, repel the offer of removal, they are free to remain, but they must remain with such privileges and disabilities as the respective States within whose jurisdiction they live may prescribe.

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* Dispatch of Mr. Gallatin transmitting the convention of September 29, 1827, and report of an exploring survey from the Sebois River to the head waters of the Penobscot River, made in 1829.

I transmit herewith a report from the Secretary of War, which presents a general outline of the progress that has already been made in this work and of all that remains to be done. It will be perceived that much information is yet necessary for the faithful performance of the duties of the Government, without which it will be impossible to provide for the execution of some of the existing stipulations, or make those prudential arrangements upon which the final success of the whole movement, so far as relates to the Indians themselves, must depend.

I recommend the subject to the attention of Congress in the hope that the suggestions in this report may be found useful and that provision may be made for the appointment of the commissioners therein referred to and for vesting them with such authority as may be necessary to the satisfactory performance of the important duties proposed to be intrusted to them.

ANDREW JACKSON.

WASHINGTON, *February 20, 1832*.

To the Senate:

I nominate Charles Ellery to be a lieutenant in the Navy of the United States, to take rank as if appointed the 29th of April, 1826.

In explanation of the above nomination the President submits to the Senate the following facts:

Charles Ellery was originally appointed a lieutenant in the Navy the 13th of January, 1825, and was dismissed from the service the 24th of November, 1830. The dismissal was in pursuance of the sentence of the same court-martial which tried Master Commandant Clack in September, 1830; but it is thought no technical objections to the legality of the proceedings can be found so well sustained as they were in the case of Master Commandant Clack before the Senate at their last session, and it is supposed that Lieutenant Ellery has no claim for restoration to his former rank except on the ground of great severity in the sentence, founded on unfavorable impressions as to his conduct, which his prior and subsequent behavior, as manifested in the documents hereto annexed, prove to have been in some degree erroneous. The charges were intemperance and sleeping on his post. His departures from strict temperance were only in a few instances, and seem to have arisen from domestic calamity and never to have grown into a habit; and the only instance testified to in support of the other charge seems now at least doubtful, and if sustained at all to be imputable to the same cause.

Under these views of the case, which a charitable consideration of the proceedings and of his character as fully developed in the annexed documents appears fully to justify, his punishment ought, in my opinion, to be mitigated. He is therefore nominated so as to restore him to the service, with loss of pay and rank for about the time elapsed since his last dismission.

The proceedings of the court-martial and the testimonials referred to are inclosed, numbered from 1 to 10.

ANDREW JACKSON.

UNITED STATES, *February 24, 1832.*

Gentlemen of the Senate:

I lay before you, for your consideration and advice, a treaty of limits between the United States of America and the Republic of Mexico, concluded at Mexico on the 12th day of January, 1828, and a supplementary article relating thereto, signed also at Mexico on the 5th day of April, 1831.

ANDREW JACKSON.

UNITED STATES, *February 24, 1832.*

Gentlemen of the Senate:

I lay before you, for your consideration and advice, a treaty of amity and commerce between the United States of America and the Republic of Mexico, concluded at Mexico on the 5th day of April, in the year 1831.

ANDREW JACKSON.

WASHINGTON, *February 29, 1832.*

To the Senate:

In compliance with the resolution of the Senate of the 22d December, 1831, calling for certain information in relation to the trade between the United States and the British American colonies, I transmit herewith a report from the Secretary of the Treasury.

ANDREW JACKSON.

WASHINGTON, *February 29, 1832.*

To the Senate:

In compliance with the resolution requesting the President of the United States to communicate to the Senate the considerations which in his opinion render it proper that the United States should be represented by a chargé d'affaires to the King of the Belgians at this time, I transmit herewith a report from the Secretary of State.

ANDREW JACKSON.

WASHINGTON, *March 1, 1832.*

To the House of Representatives:

I submit to the consideration of Congress the accompanying report from the Secretary of State, showing the propriety of making some change by law in the duty on the red wines imported into the United States from Austria.

ANDREW JACKSON.

WASHINGTON, *March 1, 1832.*

To the Senate:

Since my message yesterday in answer to the resolution of the Senate of the 22d December, 1831, calling for certain information in possession of the Executive relating to the trade between the United States and the British American colonies, I have received a report from the Secretary of State on the subject, which is also respectfully submitted to the Senate.

ANDREW JACKSON.

WASHINGTON, *March 2, 1832.*

To the Senate:

In compliance with the resolution of the Senate of February 9, 1832, I have received the accompanying report from the Commissioner of the General Land Office, "on the extent and amount of business of the surveyor-general's district for Missouri, Illinois, and Arkansas, and the expediency of dividing the said district," which is respectfully submitted to the Senate.

ANDREW JACKSON.

WASHINGTON, *March 12, 1832.*

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 7th instant, requesting the President of the United States to inform the House "whether any, and, if any, what, Indian tribes or nations who joined the enemy in the late war with Great Britain continue to receive annuities from the United States under treaties made prior to the war and not renewed since the peace," I transmit herewith a report from the Secretary of War.

ANDREW JACKSON.

WASHINGTON, *March 12, 1832.*

To the House of Representatives:

I transmit herewith a report from the Secretary of War, containing the information called for by the resolution of the House of the 26th January last, in relation to the expenditures incurred by the execution of the act approved May 28, 1830, entitled "An act to provide for an exchange of lands with the Indians residing in any of the States or Territories, and for their removal west of the river Mississippi."

ANDREW JACKSON.

WASHINGTON, *March 12, 1832.*

To the Senate:

I transmit herewith to the Senate a report from the Secretary of War, containing the information called for by the resolution of the Senate of the 12th of January last, in relation to the employment of agents among the Indians since the passage of the "act to provide for an exchange of lands with the Indians residing within any of the States or Territories, and for their removal west of the Mississippi," approved 28th May, 1830.

ANDREW JACKSON.

WASHINGTON, *March 14, 1832.*

To the Senate:

I submit herewith, for the consideration of the Senate as to their advice and consent to the same, an agreement or convention lately made with a band of the Wyandot Indians residing within the limits of Ohio.

ANDREW JACKSON.

WASHINGTON, *March 16, 1832.*

To the House of Representatives:

I transmit herewith a report from the Secretary of State, containing the information called for by the House of Representatives of the 27th February last, in relation to the situation of the Government of the Republic of Colombia and the state of our diplomatic relations with it.

ANDREW JACKSON.

WASHINGTON, *March 26, 1832.*

To the Senate of the United States:

I transmit to the Senate, for their advice and consent as to the ratification of the same, a treaty concluded at this city on the 24th instant between the United States and the Creek tribe of Indians.

ANDREW JACKSON.

WASHINGTON, *March 29, 1832*.

To the Senate:

In compliance with the resolution requesting the President to inform the Senate whether any, and, if any, what, communications have passed between the executive department of the United States and the executive or legislative department of the State of Maine relative to the northeastern boundary, and whether any proposition has been made by either that the boundary designated by the King of the Netherlands shall be established for a *consideration* to be paid to Maine, and, if so, what consideration was proposed, so far as the same may not be inconsistent with the public interest," I transmit herewith a report from the Secretary of State.

ANDREW JACKSON.

WASHINGTON, *April 2, 1832*.

To the House of Representatives:

In compliance with the resolution of the House of the 17th of the last month, requesting the President to obtain and communicate to it as soon as may be practicable information "whether possession has been taken of any part of the territory of the United States on the Pacific Ocean by the subjects of any foreign power, with any other information relative to the condition and character of the said territory," I transmit herewith reports from the Secretaries of the State and Navy Departments, from which it will appear that there is no satisfactory information on the subject now in possession of the Executive, and that none is likely to be obtained but at an expense which can not be incurred without the authority of Congress.

ANDREW JACKSON.

WASHINGTON, *April 4, 1832*.

To the Congress of the United States:

I transmit herewith to Congress a report from the Secretary of State, showing the circumstances under which refuge was given on board the United States ship *St. Louis*, Captain Sloat, to the vice-president of the Republic of Peru and to General Miller, and the expense thereby incurred by Captain Sloat, for the payment of which there is no fund applicable to the case.

I recommend to Congress that provision be made for this and similar cases that may occur in future.

ANDREW JACKSON.

WASHINGTON, *April 4, 1832*.

To the Congress of the United States:

I submit herewith to the consideration of Congress a report from the Secretary of State, showing the necessity of providing additional accommodations for the Patent Office, and proposing the purchase of a suitable building, which has been offered to the Government for the purpose.

ANDREW JACKSON.

WASHINGTON, *April 4, 1832.*

To the Senate:

I transmit herewith a report from the Secretary of State, made in compliance with the resolution of the Senate which requests the President to communicate to the Senate, if not incompatible with the public interest, that portion of the correspondence between Mr. McLane, while minister at London, and the Secretary of State, and also between our said minister and the British Government, respecting the colonial trade, which may not have been communicated with his message to Congress of the 3d January, 1831.

ANDREW JACKSON.

WASHINGTON, *April 6, 1832.*

To the Senate:

I nominate William P. Zantzinger, of Pennsylvania, to be a purser in the Navy of the United States.

In submitting the above nomination it is deemed proper to give some detail of the peculiar circumstances of the case. Mr. Zantzinger was formerly a purser, and after a trial by a court-martial in January, 1830, was dismissed from the naval service. The record is inclosed, marked A. In July, 1830, verbally, afterwards in writing early in 1831, he applied for restoration to his former situation and date on the assumed ground that the proceedings in his trial were illegal and void, and he fortified himself by the many numerous certificates and opinions herewith forwarded, marked B.

These have been carefully examined, and though failing to convince me of the correctness of his position in respect to the nullity of those proceedings, I am satisfied that under all the circumstances of the case a mitigation of his sentence can be justified on both public and personal grounds.

With the loss of his former date and of his pay since his dismission, I have therefore submitted his nomination to take effect like an original entry into the service, only from its confirmation by the Senate. There is now one vacancy in the corps of pursers.

ANDREW JACKSON.

WASHINGTON, *April 9, 1832.*

To the Senate:

In compliance with the resolution requesting the President to transmit to the Senate "Lord Aberdeen's letter in answer to Mr. Barbour's of the 27th November, 1828, and also so much of a letter of the 22d April, 1831, from Mr. McLane to Mr. Van Buren as relates to the proposed duty on cotton," I transmit herewith a report from the Secretary of State, communicating copies of the letters referred to.

ANDREW JACKSON.

WASHINGTON, *April 13, 1832.*

To the Congress of the United States:

Approving the suggestions expressed by the Secretary of State in regard to the propriety of exempting Portuguese vessels entering the ports of the United States from the payment of the duties on tonnage, in consequence of a like exemption being extended to those of the United States, I transmit herewith, for the consideration of Congress, his letter on the subject.

ANDREW JACKSON.

WASHINGTON, *April 18, 1832.*

To the Senate:

I transmit herewith a report* from the Secretary of the Treasury, containing the information called for by the resolution of the Senate of the 3d instant.

ANDREW JACKSON.

WASHINGTON, *April 19, 1832.*

To the Senate and House of Representatives:

I transmit herewith printed copies of each of the treaties between the United States and the Indian tribes that have been ratified during the present session of Congress.

ANDREW JACKSON.

WASHINGTON, *April 20, 1832.*

To the Senate:

In compliance with the resolution of the Senate of the 9th instant, requesting the President "to communicate to the Senate all the instructions given by this Government to our ministers to Great Britain and all the correspondence of our ministers on the subject of the colonial and West India trade since the 3d of March, 1825, not heretofore communicated, so far as the public interest will, in his judgment, permit," I transmit herewith a report from the Secretary of State, containing the information required.

ANDREW JACKSON.

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* Relating to trade with the European possessions of Great Britain for the year ending September 30, 1831.

WASHINGTON, *April 23, 1832.*

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a report from the Secretary of State, suggesting the propriety of passing a law making it criminal within the limits of the United States to counterfeit the current coin of any foreign nation.

ANDREW JACKSON.

WASHINGTON, *April 23, 1832.*

To the Senate:

I transmit herewith a report from the Secretary of the Treasury, containing the information called for by the resolution of the 26th of March last, in which the President is requested to communicate to the Senate—

First. The total amount of public lands belonging to the United States which remain unsold, whether the Indian title thereon has been extinguished or not, as far as that amount can be ascertained from surveys actually made or by estimate, and distinguishing the States and Territories respectively in which it is situated, and the quantity in each.

Second. The amount on which the Indian title has been extinguished and the sums paid for the extinction thereof, and the amount on which the Indian title remains to be extinguished.

Third. The amount which has been granted by Congress from time to time in the several States and Territories, distinguishing between them and stating the purposes for which the grants were respectively made, and the amount of lands granted or money paid in satisfaction of Virginia land claims.

Fourth. The amount which has been heretofore sold by the United States, distinguishing between the States and Territories in which it is situated.

Fifth. The amount which has been paid to France, Spain, and Georgia for the public lands acquired from them respectively, including the amount which has been paid to purchasers from Georgia to quiet or in satisfaction of their claims, and the amount paid to the Indians to extinguish their title within the limits of Georgia.

Sixth. The total expense of administering the public domain since the declaration of independence, including all charges for surveying, for land offices, and other disbursements, and exhibiting the net amount which has been realized in the Treasury from that source.

ANDREW JACKSON.

WASHINGTON, *May 1, 1832.*

To the House of Representatives:

I transmit herewith, for the use of the House, a printed copy of two treaties lately ratified between the United States of America and the United Mexican States.

ANDREW JACKSON.

[The same message was sent to the Senate.]

WASHINGTON, *May 2, 1832.*

To the House of Representatives:

In compliance with a resolution of the House of the 1st instant, in relation to the imprisonment* of Samuel G. Howe, I transmit herewith a report from the Secretary of State, by which it appears that no information on the subject has yet reached the Department of State but what is contained in the public newspapers.

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* In Berlin, Prussia.

ANDREW JACKSON.

WASHINGTON, *May 29, 1832.*

To the House of Representatives:

In compliance with the resolution of the House of the 18th instant, I transmit herewith a report from the Secretary of State, with copies of the several instructions under which the recent treaty of indemnity with Denmark was negotiated, and also of the other papers relating to the negotiation required by the resolution.

ANDREW JACKSON.

WASHINGTON, *May 29, 1832.*

To the House of Representatives:

In compliance with the resolution of the House of the 27th of February last, requesting copies of the instructions and correspondence relating to the negotiation of the treaty with the Sublime Porte, together with those of the negotiations preceding the treaty from the year 1819, I transmit herewith a report from the Secretary of State, with the papers required.

ANDREW JACKSON.

WASHINGTON, *June 11, 1832.*

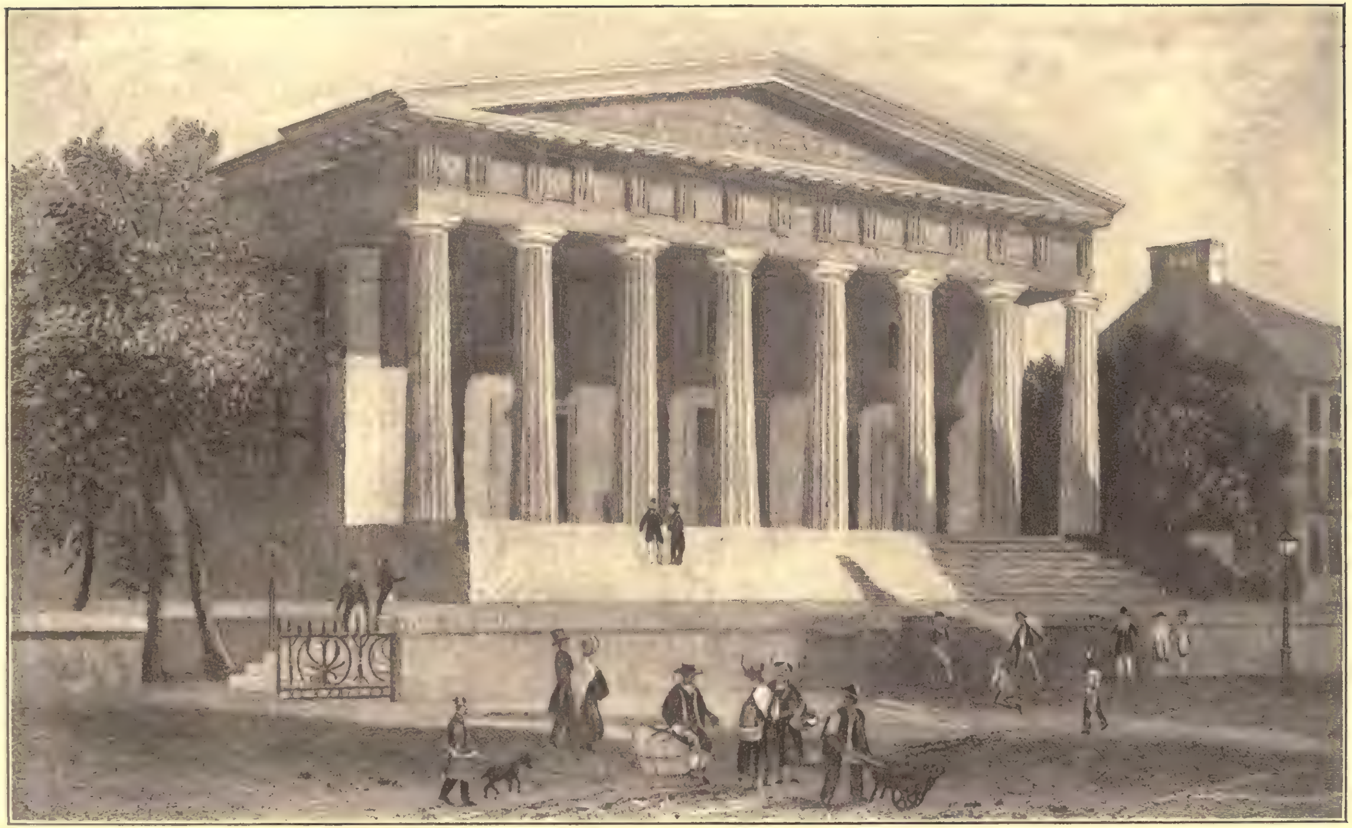
To the Senate:

I renominate Samuel Gwin to be register of the land office at Clinton, in the State of Mississippi.

In nominating Mr. Gwin to this office again it is proper to state to the Senate that I do so in compliance with the request of a number of the most respectable citizens of the State of Mississippi and with that of one of the Senators from the same State. The letters expressing this request are herewith respectfully inclosed for the consideration of the Senate. It will be perceived that they bear the fullest testimony to the fitness of Mr. Gwin for the office, and evince a strong desire that he should be continued in it.

Under these circumstances, and possessing myself a personal knowledge of his integrity and fitness and of the claims which his faithful and patriotic services give him upon the Government, I deem it an act of justice to nominate him again, not doubting that the Senate will embrace with cheerfulness an opportunity, with fuller information, to reconsider their former vote upon his nomination.

ANDREW JACKSON.



THE BANK OF THE UNITED STATES

THE BANK OF THE UNITED STATES

This institution was hated, in its day, very much in the same way and for the same reasons as the trusts of to-day. It was a "hydra-headed monster, a grinding monopoly, robbing the people, making money dear, ruining the State banks, and causing hard times." State legislatures tried to bar it out of their boundaries, and in the West it was particularly hated. The Bank was charged with meddling in politics, in concert with the enemies of Jackson. Receiving word that the administration disfavored him, the president of the Bank visited Jackson and arranged to displace some of his present directors and appoint Jackson partisans instead.

The attack on the Bank seems to have originated with Jackson himself; in time and manner it certainly was contrary to the advice of his ministers. It arose from his belief that Congress had no power to charter a bank to do business anywhere except in the District of Columbia. Beginning with the moderate expressions of his first annual message, Jackson continually called the matter to the attention of Congress. Finally, on July 10, 1832, he sent in his message (page 1139), vetoing the renewal of its charter. Regarding the removal of deposits from the Bank, Jackson's own statement (page 1249) is the best authority. The Bank went out of existence in 1835, when its charter expired.

WASHINGTON, *June 25, 1832.*

To the Senate of the United States;

I herewith transmit to the Senate a report from the Secretary of State, on the subject of the abolition of discriminating duties on the tonnage of Spanish vessels. As it requires legislative enactment, I recommend it to the early attention of Congress.

ANDREW JACKSON.

[The same message was sent to the House of Representatives.]

WASHINGTON CITY, *July 12, 1832.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: In compliance with the resolution of the House of Representatives passed this day, requesting the President of the United States "to lay before the House copies of the instructions given to the commander of the frigate *Potomac* previous to and since the departure of that ship from the island of Sumatra, and copies of such letters as may have been received from said commander after his arrival at Quallah Battoo, except such parts as may in his judgment require secrecy," I forward copies of the two letters of instructions to Captain Downes in relation to the piratical plunder and murder of our citizens at Quallah Battoo, on the coast of Sumatra, detailing his proceedings.

The instructions, with the papers annexed, are all that have been given bearing on this subject, and although parts of them do not relate materially to the supposed object of the resolution, yet it has been deemed expedient to omit nothing contained in the originals.

The letter and report from Captain Downes which are herewith furnished are all yet received from him bearing upon his proceedings at Quallah Battoo; but as further intelligence may hereafter be communicated by him, I send them for the information of the House, submitting, however, in justice to that officer, that their contents should not be published until he can enjoy a further opportunity of giving more full explanations of all the circumstances under which he conducted.

ANDREW JACKSON.

WASHINGTON, *July 14, 1832.*

To the House of Representatives of the United States:

In compliance with the resolution of the House of the 17th of February last, requesting copies of the instructions and correspondence relative to the treaty with the Sublime Porte, together with those of the negotiations preceding that treaty, from the year 1829, I transmit herewith a supplemental report from the Secretary of State, with the papers accompanying the same.

ANDREW JACKSON.

VETO MESSAGE.

WASHINGTON, *July 10, 1832.*

To the Senate:

The bill "to modify and continue" the act entitled "An act to incorporate the subscribers to the Bank of the United States" was presented to me on the 4th July instant. Having considered it with that solemn regard to the principles of the Constitution which the day was calculated to inspire, and come to the conclusion that it ought not to become a law, I herewith return it to the Senate, in which it originated, with my objections.

A bank of the United States is in many respects convenient for the Government and useful to the people. Entertaining this opinion, and deeply impressed with the belief that some of the powers and privileges possessed by the existing bank are unauthorized by the Constitution, subversive of the rights of the States, and dangerous to the liberties of the people, I felt it my duty at an early period of my Administration to call the attention of Congress to the practicability of organizing an institution combining all its advantages and obviating these objections. I sincerely regret that in the act before me I can perceive none of those modifications of the bank charter which are necessary, in my opinion, to make it compatible with justice, with sound policy, or with the Constitution of our country.

The present corporate body, denominated the president, directors, and company of the Bank of the United States, will have existed at the time this act is intended to take effect twenty years. It enjoys an exclusive privilege of banking under the authority of the General Government, a monopoly of its favor and support, and, as a necessary consequence, almost a monopoly of the foreign and domestic exchange. The powers, privileges, and favors bestowed upon it in the original charter, by increasing the value of the stock far above its par value, operated as a gratuity of many millions to the stockholders.

An apology may be found for the failure to guard against this result in the consideration that the effect of the original act of incorporation could not be certainly foreseen at the time of its passage. The act before me proposes another gratuity to the holders of the same stock, and in many cases to the same men, of at least seven millions more. This donation finds no apology in any uncertainty as to the effect of the act. On all hands it is conceded that its passage will increase at least 20 or 30 per cent more the market price of the stock, subject to the payment of the annuity of $200,000 per year secured by the act, thus adding in a moment one-fourth to its par value. It is not our own citizens only who are to receive the bounty of our Government. More than eight millions of the stock of this bank are held by foreigners. By this act the American Republic proposes virtually to make them a present of some millions of dollars. For these gratuities to foreigners and to some of our own opulent citizens the act secures no equivalent whatever. They are the certain gains of the present stockholders under the operation of this act, after making full allowance for the payment of the bonus.

Every monopoly and all exclusive privileges are granted at the expense of the public, which ought to receive a fair equivalent. The many millions which this act proposes to bestow on the stockholders of the existing bank must come directly or indirectly out of the earnings of the American people. It is due to them, therefore, if their Government sell monopolies and exclusive privileges, that they should at least exact for them as much as they are worth in open market. The value of the monopoly in this case may be correctly ascertained. The twenty-eight millions of stock would probably be at an advance of 50 per cent, and command in market at least $42,000,000, subject to the payment of the present bonus. The present value of the monopoly, therefore, is $17,000,000, and this the act proposes to sell for three millions, payable in fifteen annual installments of $200,000 each.

It is not conceivable how the present stockholders can have any claim to the special favor of the Government. The present corporation has enjoyed its monopoly during the period stipulated in the original contract. If we must have such a corporation, why should not the Government sell out the whole stock and thus secure to the people the full market value of the privileges granted? Why should not Congress create and sell twenty-eight millions of stock, incorporating the purchasers with all the powers and privileges secured in this act and putting the premium upon the sales into the Treasury?

But this act does not permit competition in the purchase of this monopoly. It seems to be predicated on the erroneous idea that the present stockholders have a prescriptive right not only to the favor but to the bounty of Government. It appears that more than a fourth part of the stock is held by foreigners and the residue is held by a few hundred of our own citizens, chiefly of the richest class. For their benefit does this act exclude the whole American people from competition in the purchase of this monopoly and dispose of it for many millions less than it is worth. This seems the less excusable because some of our citizens not now stockholders petitioned that the door of competition might be opened, and offered to take a charter on terms much more favorable to the Government and country.

But this proposition, although made by men whose aggregate wealth is believed to be equal to all the private stock in the existing bank, has been set aside, and the bounty of our Government is proposed to be again bestowed on the few who have been fortunate enough to secure the stock and at this moment wield the power of the existing institution. I can not perceive the justice or policy of this course. If our Government must sell monopolies, it would seem to be its duty to take nothing less than their full value, and if gratuities must be made once in fifteen or twenty years let them not be bestowed on the subjects of a foreign government nor upon a designated and favored class of men in our own country. It is but justice and good policy, as far as the nature of the case will admit, to confine our favors to our own fellow citizens, and let each in his turn enjoy an opportunity to profit by our bounty. In the bearings of the act before me upon these points I find ample reasons why it should not become a law.

It has been urged as an argument in favor of rechartering the present bank that the calling in its loans will produce great embarrassment and distress. The time allowed to close its concerns is ample, and if it has been well managed its pressure will be light, and heavy only in case its management has been bad. If, therefore, it shall produce distress, the fault will be its own, and it would furnish a reason against renewing a power which has been so obviously abused. But will there ever be a time when this reason will be less powerful? To acknowledge its force is to admit that the bank ought to be perpetual, and as a consequence the present stockholders and those inheriting their rights as successors be established a privileged order, clothed both with great political power and enjoying immense pecuniary advantages from their connection with the Government.

The modifications of the existing charter proposed by this act are not such, in my view, as make it consistent with the rights of the States or the liberties of the people. The qualification of the right of the bank to hold real estate, the limitation of its power to establish branches, and the power reserved to Congress to forbid the circulation of small notes are restrictions comparatively of little value or importance. All the objectionable principles of the existing corporation, and most of its odious features, are retained without alleviation.

The fourth section provides "that the notes or bills of the said corporation, although the same be, on the faces thereof, respectively made payable at one place only, shall nevertheless be received by the said corporation at the bank or at any of the offices of discount and deposit thereof if tendered in liquidation or payment of any balance or balances due to said corporation or to such office of discount and deposit from any other incorporated bank." This provision secures to the State banks a legal privilege in the Bank of the United States which is withheld from all private citizens. If a State bank in Philadelphia owe the Bank of the United States and have notes issued by the St. Louis branch, it can pay the debt with those notes, but if a merchant, mechanic, or other private citizen be in like circumstances he can not by law pay his debt with those notes, but must sell them at a discount or send them to St. Louis to be cashed. This boon conceded to the State banks, though not unjust in itself, is most odious because it does not measure out equal justice to the high and the low, the rich and the poor. To the extent of its practical effect it is a bond of union among the banking establishments of the nation, erecting them into an interest separate from that of the people, and its necessary tendency is to unite the Bank of the United States and the State banks in any measure which may be thought conducive to their common interest.

The ninth section of the act recognizes principles of worse tendency than any provision of the present charter.

It enacts that "the cashier of the bank shall annually report to the Secretary of the Treasury the names of all stockholders who are not resident citizens of the United States, and on the application of the treasurer of any State shall make out and transmit to such treasurer a list of stockholders residing in or citizens of such State, with the amount of stock owned by each." Although this provision, taken in connection with a decision of the Supreme Court, surrenders, by its silence, the right of the States to tax the banking institutions created by this corporation under the name of branches throughout the Union, it is evidently intended to be construed as a concession of their right to tax that portion of the stock which may be held by their own citizens and residents. In this light, if the act becomes a law, it will be understood by the States, who will probably proceed to levy a tax equal to that paid upon the stock of banks incorporated by themselves. In some States that tax is now 1 per cent, either on the capital or on the shares, and that may be assumed as the amount which all citizen or resident stockholders would be taxed under the operation of this act. As it is only the stock *held* in the States and not that *employed* within them which would be subject to taxation, and as the names of foreign stockholders are not to be reported to the treasurers of the States, it is obvious that the stock held by them will be exempt from this burden. Their annual profits will therefore be 1 per cent more than the citizen stockholders, and as the annual dividends of the bank may be safely estimated at 7 per cent, the stock will be worth 10 or 15 per cent more to foreigners than to citizens of the United States. To appreciate the effects which this state of things will produce, we must take a brief review of the operations and present condition of the Bank of the United States.

By documents submitted to Congress at the present session it appears that on the 1st of January, 1832, of the twenty-eight millions of private stock in the corporation, $8,405,500 were held by foreigners, mostly of Great Britain. The amount of stock held in the nine Western and Southwestern States is $140,200, and in the four Southern States is $5,623,100, and in the Middle and Eastern States is about $13,522,000. The profits of the bank in 1831, as shown in a statement to Congress, were about $3,455,598; of this there accrued in the nine Western States about $1,640,048; in the four Southern States about $352,507, and in the Middle and Eastern States about $1,463,041. As little stock is held in the

West, it is obvious that the debt of the people in that section to the bank is principally a debt to the Eastern and foreign stockholders; that the interest they pay upon it is carried into the Eastern States and into Europe, and that it is a burden upon their industry and a drain of their currency, which no country can bear without inconvenience and occasional distress. To meet this burden and equalize the exchange operations of the bank, the amount of specie drawn from those States through its branches within the last two years, as shown by its official reports, was about $6,000,000. More than half a million of this amount does not stop in the Eastern States, but passes on to Europe to pay the dividends of the foreign stockholders. In the principle of taxation recognized by this act the Western States find no adequate compensation for this perpetual burden on their industry and drain of their currency. The branch bank at Mobile made last year $95,140, yet under the provisions of this act the State of Alabama can raise no revenue from these profitable operations, because not a share of the stock is held by any of her citizens. Mississippi and Missouri are in the same condition in relation to the branches at Natchez and St. Louis, and such, in a greater or less degree, is the condition of every Western State. The tendency of the plan of taxation which this act proposes will be to place the whole United States in the same relation to foreign countries which the Western States now bear to the Eastern. When by a tax on resident stockholders the stock of this bank is made worth 10 or 15 per cent more to foreigners than to residents, most of it will inevitably leave the country.

Thus will this provision in its practical effect deprive the Eastern as well as the Southern and Western States of the means of raising a revenue from the extension of business and great profits of this institution. It will make the American people debtors to aliens in nearly the whole amount due to this bank, and send across the Atlantic from two to five millions of specie every year to pay the bank dividends.

In another of its bearings this provision is fraught with danger. Of the twenty-five directors of this bank five are chosen by the Government and twenty by the citizen stockholders. From all voice in these elections the foreign stockholders are excluded by the charter. In proportion, therefore, as the stock is transferred to foreign holders the extent of suffrage in the choice of directors is curtailed. Already is almost a third of the stock in foreign hands and not represented in elections. It is constantly passing out of the country, and this act will accelerate its departure. The entire control of the institution would necessarily fall into the hands of a few citizen stockholders, and the ease with which the object would be accomplished would be a temptation to designing men to secure that control in their own hands by monopolizing the remaining stock. There is danger that a president and directors would then be able to elect themselves from year to year, and without responsibility or control manage the whole concerns of the bank during the existence of its charter. It is easy to conceive that great evils to our country and its institutions might flow from such a concentration of power in the hands of a few men irresponsible to the people.

Is there no danger to our liberty and independence in a bank that in its nature has so little to bind it to our country? The president of the bank has told us that most of the State banks exist by its forbearance. Should its influence become concentered, as it may under the operation of such an act as this, in the hands of a self-elected directory whose interests are identified with those of the foreign stockholders, will there not be cause to tremble for the purity of our elections in peace and for the independence of our country in war? Their power would be great whenever they might choose to exert it; but if this monopoly were regularly renewed every fifteen or twenty years on terms proposed by themselves, they might seldom in peace put forth their strength to influence elections or control the affairs of the nation. But if any private citizen or public functionary should interpose to curtail its powers or prevent a renewal of its privileges, it can not be doubted that he would be made to feel its influence.

Should the stock of the bank principally pass into the hands of the subjects of a foreign country, and we should unfortunately become involved in a war with that country, what would be our condition? Of the course which would be pursued by a bank almost wholly owned by the subjects of a foreign power, and managed by those whose interests, if not affections, would run in the same direction there can be no doubt. All its operations within would be in aid of the hostile fleets and armies without. Controlling our currency, receiving our public moneys, and holding thousands of our citizens in dependence, it would be more formidable and dangerous than the naval and military power of the enemy.

If we must have a bank with private stockholders, every consideration of sound policy and every impulse of American feeling admonishes that it should be *purely American*. Its stockholders should be composed exclusively of our own citizens, who at least ought to be friendly to our Government and willing to support it in times of difficulty and danger. So abundant is domestic capital that competition in subscribing for the stock of local banks has recently led almost to riots. To a bank exclusively of American stockholders, possessing the powers and privileges granted by this act, subscriptions for $200,000,000 could be readily obtained. Instead of sending abroad the stock of the bank in which the Government must deposit its funds and on which it must rely to sustain its credit in times of emergency, it would rather seem to be expedient to prohibit its sale to aliens under penalty of absolute forfeiture.

It is maintained by the advocates of the bank that its constitutionality in all its features ought to be considered as settled by precedent and by the decision of the Supreme Court. To this conclusion I can not assent. Mere precedent is a dangerous source of authority, and should not be regarded as deciding questions of constitutional power except where the acquiescence of the people and the States can be considered as well settled. So far from this being the case on this subject, an argument against the bank might be based on precedent. One Congress, in 1791, decided in favor of a bank; another, in 1811, decided against it. One Congress, in 1815, decided against a bank; another, in 1816, decided in its favor. Prior to the present Congress, therefore, the precedents drawn from that source were equal. If we resort to the States, the expressions of legislative, judicial, and executive opinions against the bank have been probably to those in its favor as 4 to 1. There is nothing in precedent, therefore, which, if its authority were admitted, ought to weigh in favor of the act before me.

If the opinion of the Supreme Court covered the whole ground of this act, it ought not to control the coordinate authorities of this Government. The Congress, the Executive, and the Court must each for itself be guided by its own opinion of the Constitution. Each public officer who takes an oath to support the Constitution swears that he will support it as he understands it, and not as it is understood by others. It is as much the duty of the House of Representatives, of the Senate, and of the President to decide upon the constitutionality of any bill or resolution which may be presented to them for passage or approval as it is of the supreme judges when it may be brought before them for judicial decision. The opinion of the judges has no more authority over Congress than the opinion of Congress has over the judges, and on that point the President is independent of both. The authority of the Supreme Court must not, therefore, be permitted to control the Congress or the Executive when acting in their legislative capacities, but to have only such influence as the force of their reasoning may deserve.

But in the case relied upon the Supreme Court have not decided that all the features of this corporation are compatible with the Constitution. It is true that the court have said that the law incorporating the bank is a constitutional exercise of power by Congress; but taking into view the whole opinion of the court and the reasoning by which they have come to that conclusion, I understand them to have decided that inasmuch as a bank is an appropriate means for carrying into effect the enumerated powers of the General Government, therefore the law incorporating it is in accordance with that provision of the Constitution which declares that Congress shall have power "to make all laws which shall be necessary and proper for carrying those powers into execution." Having satisfied themselves that the word "*necessary*" in the Constitution means "*needful*," "*requisite*," "*essential*," "*conducive to*," and that "a bank" is a convenient, a useful, and essential instrument in the prosecution of the Government's "fiscal operations," they conclude that to "use one must be within the discretion of Congress" and that "the act to incorporate the Bank of the United States is a law made in pursuance of the Constitution;" "but," say they, "*where the law is not prohibited and is really calculated to effect any of the objects intrusted to the Government, to undertake here to inquire into the degree of its necessity would be to pass the line which circumscribes the judicial department and to tread on legislative ground.*"

The principle here affirmed is that the "degree of its necessity," involving all the details of a banking institution, is a question exclusively for legislative consideration. A bank is constitutional, but it is the province of the Legislature to determine whether this or that particular power, privilege, or exemption is "necessary and proper" to enable the bank to discharge its duties to the Government, and from their decision there is no appeal to the courts of justice. Under the decision of the Supreme Court, therefore, it is the exclusive province of Congress and the President to decide whether the particular features of this act are *necessary* and *proper* in order to enable the bank to perform conveniently and efficiently the public duties assigned to it as a fiscal agent, and therefore constitutional, or *unnecessary* and *improper*, and therefore unconstitutional.

Without commenting on the general principle affirmed by the Supreme Court, let us examine the details of this act in accordance with the rule of legislative action which they have laid down. It will be found that many of the powers and privileges conferred on it can not be supposed necessary for the purpose for which it is proposed to be created, and are not, therefore, means necessary to attain the end in view, and consequently not justified by the Constitution.

The original act of incorporation, section 21, enacts "that no other bank shall be established by any future law of the United States during the continuance of the corporation hereby created, for which the faith of the United States is hereby pledged: *Provided*, Congress may renew existing charters for banks within the District of Columbia not increasing the capital thereof, and may also establish any other bank or banks in said District with capitals not exceeding in the whole $6,000,000 if they shall deem it expedient." This provision is continued in force by the act before me fifteen years from the 3d of March, 1836.

If Congress possessed the power to establish one bank, they had power to establish more than one if in their opinion two or more banks had been "necessary" to facilitate the execution of the powers delegated to them in the Constitution. If they possessed the power to establish a second bank, it was a power derived from the Constitution to be exercised from time to time, and at any time when the interests of the country or the emergencies of the Government might make it expedient. It was possessed by one Congress as well as another, and by all Congresses alike, and alike at every session. But the Congress of 1816 have taken it away from their successors for twenty years, and the Congress of 1832 proposes to abolish it for fifteen years more. It can not be "*necessary*" or "*proper*" for Congress to barter away or divest themselves of any of the powers vested in them by the Constitution to be exercised for the public good. It is not "*necessary*" to the efficiency of the bank, nor is it "*proper*" in relation to themselves and their successors. They may *properly* use the discretion vested in them, but they may not limit the discretion of their successors. This restriction on themselves and grant of a monopoly to the bank is therefore unconstitutional.

In another point of view this provision is a palpable attempt to amend the Constitution by an act of legislation. The Constitution declares that "the Congress shall have power to exercise exclusive legislation in all cases whatsoever" over the District of Columbia. Its constitutional power, therefore, to establish banks in the District of Columbia and increase their capital at will is unlimited and uncontrollable by any other power than that which gave authority to the Constitution. Yet this act declares that Congress shall *not* increase the capital of existing banks, nor create other banks with capitals exceeding in the whole $6,000,000. The Constitution declares that Congress *shall* have power to exercise exclusive legislation over this District "*in all cases whatsoever*," and this act declares they shall not. Which is the supreme law of the land? This provision can not be "*necessary*" or "*proper*" or *constitutional* unless the absurdity be admitted that whenever it be "necessary and proper" in the opinion of Congress they have a right to barter away one portion of the powers vested in them by the Constitution as a means of executing the rest.

On two subjects only does the Constitution recognize in Congress the power to grant exclusive privileges or monopolies. It declares that "Congress shall have power to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries." Out of this express delegation of power have grown our laws of patents and copyrights. As the Constitution expressly delegates to Congress the power to grant exclusive privileges in these cases as the means of executing the substantive power "to promote the progress of science and useful arts," it is consistent with the fair rules of construction to conclude that such a power was not intended to be granted as a means of accomplishing any other end. On every other subject which comes within the scope of Congressional power there is an ever-living discretion in the use of proper means, which can not be restricted or abolished without an amendment of the Constitution. Every act of Congress, therefore, which attempts by grants of monopolies or sale of exclusive privileges for a limited time, or a time without limit, to restrict or extinguish its own discretion in the choice of means to execute its delegated powers is equivalent to a legislative amendment of the Constitution, and palpably unconstitutional.

This act authorizes and encourages transfers of its stock to foreigners and grants them an exemption from all State and national taxation. So far from being "*necessary and proper*" that the bank should possess this power to make it a safe and efficient agent of the Government in its fiscal operations, it is calculated to convert the Bank of the United States into a foreign bank, to impoverish our people in time of peace, to disseminate a foreign influence through every section of the Republic, and in war to endanger our independence.

The several States reserved the power at the formation of the Constitution to regulate and control titles and transfers of real property, and most, if not all, of them have laws disqualifying aliens from acquiring or holding lands within their limits. But this act, in disregard of the undoubted right of the States to prescribe such disqualifications, gives to aliens stockholders in this bank an interest and title, as members of the corporation, to all the real property it may acquire within any of the States of this Union. This privilege granted to aliens is not "*necessary*" to enable the bank to perform its public duties, nor in any sense "*proper*," because it is vitally subversive of the rights of the States.

The Government of the United States have no constitutional power to purchase lands within the States except "for the erection of forts, magazines, arsenals, dockyards, and other needful buildings," and even for these objects only "by the consent of the legislature of the State in which the same shall be." By making themselves stockholders in the bank and granting to the corporation the power to purchase lands for other purposes they assume a power not granted in the Constitution and grant to others what they do not themselves possess. It is not *necessary* to the receiving, safe-keeping, or transmission of the funds of the Government that the bank should possess this power, and it is not *proper* that Congress should thus enlarge the powers delegated to them in the Constitution.

The old Bank of the United States possessed a capital of only $11,000,000, which was found fully sufficient to enable it with dispatch and safety to perform all the functions required of it by the Government. The capital of the present bank is $35,000,000—at least twenty-four more than experience has proved to be *necessary* to enable a bank to perform its public functions. The public debt which existed during the period of the old bank and on the establishment of the new has been nearly paid off, and our revenue will soon be reduced. This increase of capital is therefore not for public but for private purposes.

The Government is the only "*proper*" judge where its agents should reside and keep their offices, because it best knows where their presence will be "*necessary*." It can not, therefore, be "*necessary*" or "*proper*" to authorize the bank to locate branches where it pleases to perform the public service, without consulting the Government, and contrary to its will. The principle laid down by the Supreme Court concedes that Congress can not establish a bank for purposes of private speculation and gain, but only as a means of executing the delegated powers of the

General Government. By the same principle a branch bank can not constitutionally be established for other than public purposes. The power which this act gives to establish two branches in any State, without the injunction or request of the Government and for other than public purposes, is not "*necessary*" to the due *execution* of the powers delegated to Congress.

The bonus which is exacted from the bank is a confession upon the face of the act that the powers granted by it are greater than are "*necessary*" to its character of a fiscal agent. The Government does not tax its officers and agents for the privilege of serving it. The bonus of a million and a half required by the original charter and that of three millions proposed by this act are not exacted for the privilege of giving "the necessary facilities for transferring the public funds from place to place within the United States or the Territories thereof, and for distributing the same in payment of the public creditors without charging commission or claiming allowance on account of the difference of exchange," as required by the act of incorporation, but for something more beneficial to the stockholders. The original act declares that it (the bonus) is granted "in consideration of the exclusive privileges and benefits conferred by this act upon the said bank," and the act before me declares it to be "in consideration of the exclusive benefits and privileges continued by this act to the said corporation for fifteen years, as aforesaid." It is therefore for "exclusive privileges and benefits" conferred for their own use and emolument, and not for the advantage of the Government, that a bonus is exacted. These surplus powers for which the bank is required to pay can not surely be "*necessary*" to make it the fiscal agent of the Treasury. If they were, the exaction of a bonus for them would not be "*proper.*"

It is maintained by some that the bank is a means of executing the constitutional power "to coin money and regulate the value thereof." Congress have established a mint to coin money and passed laws to regulate the value thereof. The money so coined, with its value so regulated, and such foreign coins as Congress may adopt are the only currency known to the Constitution. But if they have other power to regulate the currency, it was conferred to be exercised by themselves, and not to be transferred to a corporation. If the bank be established for that purpose, with a charter unalterable without its consent, Congress have parted with their power for a term of years, during which the Constitution is a dead letter. It is neither necessary nor proper to transfer its legislative power to such a bank, and therefore unconstitutional.

By its silence, considered in connection with the decision of the Supreme Court in the case of McCulloch against the State of Maryland, this act takes from the States the power to tax a portion of the banking business carried on within their limits, in subversion of one of the strongest barriers which secured them against Federal encroachments.

Banking, like farming, manufacturing, or any other occupation or profession, is *a business*, the right to follow which is not originally derived from the laws. Every citizen and every company of citizens in all of our States possessed the right until the State legislatures deemed it good policy to prohibit private banking by law. If the prohibitory State laws were now repealed, every citizen would again possess the right. The State banks are a qualified restoration of the right which has been taken away by the laws against banking, guarded by such provisions and limitations as in the opinion of the State legislatures the public interest requires. These corporations, unless there be an exemption in their charter, are, like private bankers and banking companies, subject to State taxation. The manner in which these taxes shall be laid depends wholly on legislative discretion. It may be upon the bank, upon the stock, upon the profits, or in any other mode which the sovereign power shall will.

Upon the formation of the Constitution the States guarded their taxing power with peculiar jealousy. They surrendered it only as it regards imports and exports. In relation to every other object within their jurisdiction, whether persons, property, business, or professions, it was secured in as ample a manner as it was before possessed. All persons, though United States officers, are liable to a poll tax by the States within which they reside. The lands of the United States are liable to the usual land tax, except in the new States, from whom agreements that they will not tax unsold lands are exacted when they are admitted into the Union. Horses, wagons, any beasts or vehicles, tools, or property belonging to private citizens, though employed in the service of the United States, are subject to State taxation. Every private business, whether carried on by an officer of the General Government or not, whether it be mixed with public concerns or not, even if it be carried on by the Government of the United States itself, separately or in partnership, falls within the scope of the taxing power of the State. Nothing comes more fully within it than banks and the business of banking, by whomsoever instituted and carried on. Over this whole subject-matter it is just as absolute, unlimited, and uncontrollable as if the Constitution had never been adopted, because in the formation of that instrument it was reserved without qualification.

The principle is conceded that the States can not rightfully tax the operations of the General Government. They can not tax the money of the Government deposited in the State banks, nor the agency of those banks in remitting it; but will any man maintain that their mere selection to perform this public service for the General Government would exempt the State banks and their ordinary business from State taxation? Had the United States, instead of establishing a bank at Philadelphia, employed a private banker to keep and transmit their funds, would it have deprived Pennsylvania of the right to tax his bank and his usual banking operations? It will not be pretended. Upon what principal, then, are the banking establishments of the Bank of the United States and their usual banking operations to be exempted from taxation? It is not their public agency or the deposits of the Government which the States claim a right to tax, but their banks and their banking powers, instituted and exercised within State jurisdiction for their private emolument—those powers and privileges for which they pay a bonus, and which the States tax in their own banks. The exercise of these powers within a State, no matter by whom or under what authority, whether by private citizens in their original right, by corporate bodies created by the States, by foreigners or the agents of foreign governments located within their limits, forms a legitimate object of State taxation. From this and like sources, from the persons, property, and business that are found residing, located, or carried on under their jurisdiction, must the States, since the surrender of their right to raise a revenue from imports and exports, draw all the money necessary for the support of their governments and the maintenance of their independence. There is no more appropriate subject of taxation than banks, banking, and bank stocks, and none to which the States ought more pertinaciously to cling.

It can not be *necessary* to the character of the bank as a fiscal agent of the Government that its private business should be exempted from that taxation to which all the State banks are liable, nor can I conceive it "*proper*" that the substantive and most essential powers reserved by the States shall be thus attacked and annihilated as a means of executing the powers delegated to the General Government. It may be safely assumed that none of those sages who had an agency in forming or adopting our Constitution ever imagined that any portion of the taxing power of the States not prohibited to them nor delegated to Congress was to be swept away and annihilated as a means of executing certain powers delegated to Congress.

If our power over means is so absolute that the Supreme Court will not call in question the constitutionality of an act of Congress the subject of which "is not prohibited, and is really calculated to effect any of the objects intrusted to the Government," although, as in the case before me, it takes away powers expressly granted to Congress and rights scrupulously reserved to the States, it becomes us to proceed in our legislation with the utmost caution. Though not directly, our own powers and the rights of the States may be indirectly legislated away in the use of means to execute substantive powers. We may not enact that Congress shall not have the power of exclusive legislation over the District of Columbia, but we may pledge the faith of the United States that as a means of executing other powers it shall not be exercised for twenty years or forever. We may not pass an act prohibiting the States to tax the banking business carried on within their limits, but we may, as a means of executing our powers over other objects, place that business in the hands of our agents and then declare it exempt from State taxation in their hands. Thus may our own powers and the rights of the States, which we can not directly curtail or invade, be frittered away and extinguished in the use of means employed by us to execute other powers. That a bank of the United States, competent to all the duties which may be required by the Government, might be so organized as not to infringe on our own delegated powers or the reserved rights of the States I do not entertain a doubt. Had the Executive been called upon to furnish the project of such an institution, the duty would have been cheerfully performed. In the absence of such a call it was obviously proper that he should confine himself to pointing out those prominent features in the act presented which in his opinion make it incompatible with the Constitution and sound policy. A general discussion will now take place, eliciting new light and settling important principles; and a new Congress, elected in the midst of such discussion, and furnishing an equal representation of the people according to the last census, will bear to the Capitol the verdict of public opinion, and, I doubt not, bring this important question to a satisfactory result.

Under such circumstances the bank comes forward and asks a renewal of its charter for a term of fifteen years upon conditions which not only operate as a gratuity to the stockholders of many millions of dollars, but will sanction any abuses and legalize any encroachments.

Suspicions are entertained and charges are made of gross abuse and violation of its charter. An investigation unwillingly conceded and so restricted in time as necessarily to make it incomplete and unsatisfactory discloses enough to excite suspicion and alarm. In the practices of the principal bank partially unveiled, in the absence of important witnesses, and in numerous charges confidently made and as yet wholly uninvestigated there was enough to induce a majority of the committee of investigation—a committee which was selected from the most able and honorable members of the House of Representatives—to recommend a suspension of further action upon the bill and a prosecution of the inquiry. As the charter had yet four years to run, and as a renewal now was not necessary to the successful prosecution of its business, it was to have been expected that the bank itself, conscious of its purity and proud of its character, would have withdrawn its application for the present, and demanded the severest scrutiny into all its transactions. In their declining to do so there seems to be an additional reason why the functionaries of the Government should proceed with less haste and more caution in the renewal of their monopoly.

The bank is professedly established as an agent of the executive branch of the Government, and its constitutionality is maintained on that ground. Neither upon the propriety of present action nor upon the provisions of this act was the Executive consulted. It has had no opportunity to say that it neither needs nor wants an agent clothed with such powers and favored by such exemptions. There is nothing in its legitimate functions which makes it necessary or proper. Whatever interest or influence, whether public or private, has given birth to this act, it can not be found either in the wishes or necessities of the executive department, by which present action is deemed premature, and the powers conferred upon its agent not only unnecessary, but dangerous to the Government and country.

It is to be regretted that the rich and powerful too often bend the acts of government to their selfish purposes. Distinctions in society will always exist under every just government. Equality of talents, of education, or of wealth can not be produced by human institutions. In the full enjoyment of the gifts of Heaven and the fruits of superior industry, economy, and virtue, every man is equally entitled to protection by law; but when the laws undertake to add to these natural and just advantages artificial distinctions, to grant titles, gratuities, and exclusive privileges, to make the rich richer and the potent more powerful, the humble members of society—the farmers, mechanics, and laborers—who have neither the time nor the means of securing like favors to themselves, have a right to complain of the injustice of their Government. There are no necessary evils in government. Its evils exist only in its abuses. If it would confine itself to equal protection, and, as Heaven does its rains, shower its favors alike on the high and the low, the rich and the poor, it would be an unqualified blessing. In the act before me there seems to be a wide and unnecessary departure from these just principles.

Nor is our Government to be maintained or our Union preserved by invasions of the rights and powers of the several States. In thus attempting to make our General Government strong we make it weak. Its true strength consists in leaving individuals and States as much as possible to themselves—in making itself felt, not in its power, but in its beneficence; not in its control, but in its protection; not in binding the States more closely to the center, but leaving each to move unobstructed in its proper orbit.

Experience should teach us wisdom. Most of the difficulties our Government now encounters and most of the dangers which impend over our Union have sprung from an abandonment of the legitimate objects of Government by our national legislation, and the adoption of such principles as are embodied in this act. Many of our rich men have not been content with equal protection and equal benefits, but have besought us to make them richer by act of Congress. By attempting to gratify their desires we have in the results of our legislation arrayed section against section, interest against interest, and man against man, in a fearful commotion which threatens to shake the foundations of our Union. It is time to pause in our career to review our principles, and if possible revive that devoted patriotism and spirit of compromise which distinguished the sages of the Revolution and the fathers of our Union. If we can not at once, in justice to interests vested under improvident legislation, make our Government what it ought to be, we can at least take a stand against all new grants of monopolies and exclusive privileges, against any prostitution of our Government to the advancement of the few at the expense of the many, and in favor of compromise and gradual reform in our code of laws and system of political economy.

I have now done my duty to my country. If sustained by my fellow-citizens, I shall be grateful and happy; if not, I shall find in the motives which impel me ample grounds for contentment and peace. In the difficulties which surround us and the dangers which threaten our institutions there is cause for neither dismay nor alarm. For relief and deliverance let us firmly rely on that kind Providence which I am sure watches with peculiar care over the destinies of our Republic, and on the intelligence and wisdom of our countrymen. Through *His* abundant goodness and *their* patriotic devotion our liberty and Union will be preserved.

ANDREW JACKSON.

FOURTH ANNUAL MESSAGE.

DECEMBER 4, 1832.

Fellow-Citizens of the Senate and House of Representatives:

It gives me pleasure to congratulate you upon your return to the seat of Government for the purpose of discharging your duties to the people of the United States. Although the pestilence which had traversed the Old World has entered our limits and extended its ravages over much of our land, it has pleased Almighty God to mitigate its severity and lessen the number of its victims compared with those who have fallen in most other countries over which it has spread its terrors. Notwithstanding this visitation, our country presents on every side marks of prosperity and happiness unequaled, perhaps, in any other portion of the world. If we fully appreciate our comparative condition, existing causes of discontent will appear unworthy of attention, and, with hearts of thankfulness to that divine Being who has filled our cup of prosperity, we shall feel our resolution strengthened to preserve and hand down to posterity that liberty and that union which we have received from our fathers, and which constitute the sources and the shield of all our blessings.

The relations of our country continue to present the same picture of amicable intercourse that I had the satisfaction to hold up to your view at the opening of your last session. The same friendly professions, the same desire to participate in our flourishing commerce, the same disposition to refrain from injuries unintentionally offered, are, with few exceptions, evinced by all nations with whom we have any intercourse. This desirable state of things may be mainly ascribed to our undeviating practice of the rule which has long guided our national policy, to require no exclusive privileges in commerce and to grant none. It is daily producing its beneficial effect in the respect shown to our flag, the protection of our citizens and their property abroad, and in the increase of our navigation and the extension of our mercantile operations. The returns which have been made out since we last met will show an increase during the last preceding year of more than 80,000 tons in our shipping and of near $40,000,000 in the aggregate of our imports and exports.

Nor have we less reason to felicitate ourselves on the position of our political than of our commercial concerns. They remain in the state in which they were when I last addressed you—a state of prosperity and peace, the effect of a wise attention to the parting advice of the revered Father of his Country on this subject, condensed into a maxim for the use of posterity by one of his most distinguished successors—to cultivate free commerce and honest friendship with all nations, but to make entangling alliances with none. A strict adherence to this policy has kept us aloof from the perplexing questions that now agitate the European world and have more than once deluged those countries with blood. Should those scenes unfortunately recur, the parties to the contest may count on a faithful performance of the duties incumbent on us as a neutral nation, and our own citizens may equally rely on the firm assertion of their neutral rights.

With the nation that was our earliest friend and ally in the infancy of our political existence the most friendly relations have subsisted through the late revolutions of its Government, and, from the events of the last, promise a permanent duration. It has made an approximation in some of its political institutions to our own, and raised a monarch to the throne who preserves, it is said, a friendly recollection of the period during which he acquired among our citizens the high consideration that could then have been produced by his personal qualifications alone.

Our commerce with that nation is gradually assuming a mutually beneficial character, and the adjustment of the claims of our citizens has removed the only obstacle there was to an intercourse not only lucrative, but productive of literary and scientific improvement.

From Great Britain I have the satisfaction to inform you that I continue to receive assurances of the most amicable disposition, which have on my part on all proper occasions been promptly and sincerely reciprocated. The attention of that Government has latterly been so much engrossed by matters of a deeply interesting domestic character that we could not press upon it the renewal of negotiations which had been unfortunately broken off by the unexpected recall of our minister, who had commenced them with some hopes of success. My great object was the settlement of questions which, though now dormant, might hereafter be revived under circumstances that would endanger the good understanding which it is the interest of both parties to preserve inviolate, cemented as it is by a community of language, manners, and social habits, and by the high obligations we owe to our British ancestors for many of our most valuable institutions and for that system of representative government which has enabled us to preserve and improve them.

The question of our northeastern boundary still remains unsettled. In my last annual message I explained to you the situation in which I found that business on my coming into office, and the measures I thought it my duty to pursue for asserting the rights of the United States before the sovereign who had been chosen by my predecessor to determine the question, and also the manner in which he had disposed of it. A special message to the Senate in their executive capacity afterwards brought before them the question whether they would advise a submission to the opinion of the sovereign arbiter. That body having considered the award as not obligatory and advised me to open a further negotiation, the proposition was immediately made to the British Government, but the circumstances to which I have alluded have hitherto prevented any answer being given to the overture. Early attention, however, has been promised to the subject, and every effort on my part will be made for a satisfactory settlement of this question, interesting to the Union generally, and particularly so to one of its members.

The claims of our citizens on Spain are not yet acknowledged. On a closer investigation of them than appears to have heretofore taken place it was discovered that some of these demands, however strong they might be upon the equity of that Government, were not such as could be made the subject of national interference; and faithful to the principle of asking nothing but what was clearly right, additional instructions have been sent to modify our demands so as to embrace those only on which, according to the laws of nations, we had a strict right to insist. An inevitable delay in procuring the documents necessary for this review of the merits of these claims retarded this operation until an unfortunate malady which has afflicted His Catholic Majesty prevented an examination of them. Being now for the first time presented in an unexceptionable form, it is confidently hoped that the application will be successful.

I have the satisfaction to inform you that the application I directed to be made for the delivery of a part of the archives of Florida, which had been carried to The Havannah, has produced a royal order for their delivery, and that measures have been taken to procure its execution.

By the report of the Secretary of State communicated to you on the 25th June last you were informed of the conditional reduction obtained by the minister of the United States at Madrid of the duties on tonnage levied on American shipping in the ports of Spain. The condition of that reduction having been complied with on our part by the act passed the 13th of July last, I have the satisfaction to inform you that our ships now pay no higher nor other duties in the continental ports of Spain than are levied on their national vessels.

The demands against Portugal for illegal captures in the blockade of Terceira have been allowed to the full amount of the accounts presented by the claimants, and payment was promised to be made in three installments. The first of these has been paid; the second, although due, had not at the date of our last advices been received, owing, it was alleged, to embarrassments in the finances consequent on the civil war in which that nation is engaged.

The payments stipulated by the convention with Denmark have been punctually made, and the amount is ready for distribution among the claimants as soon as the board, now sitting, shall have performed their functions.

I regret that by the last advices from our chargé d'affaires at Naples that Government had still delayed the satisfaction due to our citizens, but at that date the effect of the last instructions was not known. Dispatches from thence are hourly expected, and the result will be communicated to you without delay.

With the rest of Europe our relations, political and commercial, remain unchanged. Negotiations are going on to put on a permanent basis the liberal system of commerce now carried on between us and the Empire of Russia. The treaty concluded with Austria is executed by His Imperial Majesty with the most perfect good faith, and as we have no diplomatic agent at his Court he personally inquired into and corrected a proceeding of some of his subaltern officers to the injury of our consul in one of his ports.

Our treaty with the Sublime Porte is producing its expected effects on our commerce. New markets are opening for our commodities and a more extensive range for the employment of our ships. A slight augmentation of the duties on our commerce, inconsistent with the spirit of the treaty, had been imposed, but on the representation of our chargé d'affaires it has been promptly withdrawn, and we now enjoy the trade and navigation of the Black Sea and of all the ports belonging to the Turkish Empire and Asia on the most perfect equality with all foreign nations.

I wish earnestly that in announcing to you the continuance of friendship and the increase of a profitable commercial intercourse with Mexico, with Central America, and the States of the South I could accompany it with the assurance that they all are blessed with that internal tranquillity and foreign peace which their heroic devotion to the cause of their independence merits. In Mexico a sanguinary struggle is now carried on, which has caused some embarrassment to our commerce, but both parties profess the most friendly disposition toward us. To the termination of this contest we look for the establishment of that secure intercourse so necessary to nations whose territories are contiguous. How important it will be to us we may calculate from the fact that even in this unfavorable state of things our maritime commerce has increased, and an internal trade by caravans from St. Louis to Santa Fe, under the protection of escorts furnished by the Government, is carried on to great advantage and is daily increasing. The agents provided for by the treaty, with this power to designate the boundaries which it established, have been named on our part, but one of the evils of the civil war now raging there has been that the appointment of those with whom they were to cooperate has not yet been announced to us.

The Government of Central America has expelled from its territory the party which some time since disturbed its peace. Desirous of fostering a favorable disposition toward us, which has on more than one occasion been evinced by this interesting country, I made a second attempt in this year to establish a diplomatic intercourse with them; but the death of the distinguished citizen whom I had appointed for that purpose has retarded the execution of measures from which I hoped much advantage to our commerce. The union of the three States which formed the Republic of Colombia has been dissolved, but they all, it is believed, consider themselves as separately bound by the treaty which was made in their federal capacity. The minister accredited to the federation continues in that character near the Government of New Granada, and hopes were entertained that a new union would be formed between the separate States, at least for the purposes of foreign intercourse. Our minister has been instructed to use his good offices, whenever they shall be desired, to produce the reunion so much to be wished for, the domestic tranquillity of the parties, and the security and facility of foreign commerce.

Some agitations naturally attendant on an infant reign have prevailed in the Empire of Brazil, which have had the usual effect upon commercial operations, and while they suspended the consideration of claims created on similar occasions, they have given rise to new complaints on the part of our citizens. A proper consideration for calamities and difficulties of this nature has made us less urgent and peremptory in our demands for justice than duty to our fellow-citizens would under other circumstances have required. But their claims are not neglected, and will on all proper occasions be urged, and it is hoped with effect.

I refrain from making any communication on the subject of our affairs with Buenos Ayres, because the negotiation communicated to you in my last annual message was at the date of our last advices still pending and in a state that would render a publication of the details inexpedient.

A treaty of amity and commerce has been formed with the Republic of Chili, which, if approved by the Senate, will be laid before you. That Government seems to be established, and at peace with its neighbors; and its ports being the resorts of our ships which are employed in the highly important trade of the fisheries, this commercial convention can not but be of great advantage to our fellow-citizens engaged in that perilous but profitable business.

Our commerce with the neighboring State of Peru, owing to the onerous duties levied on our principal articles of export, has been on the decline, and all endeavors to procure an alteration have hitherto proved fruitless. With Bolivia we have yet no diplomatic intercourse, and the continual contests carried on between it and Peru have made me defer until a more favorable period the appointment of any agent for that purpose.

An act of atrocious piracy having been committed on one of our trading ships by the inhabitants of a settlement on the west coast of Sumatra, a frigate was dispatched with orders to demand satisfaction for the injury if those who committed it should be found to be members of a regular government, capable of maintaining the usual relations with foreign nations; but if, as it was supposed and as they proved to be, they were a band of lawless pirates, to inflict such a chastisement as would deter them and others from like aggressions. This last was done, and the effect has been an increased respect for our flag in those distant seas and additional security for our commerce.

In the view I have given of our connection with foreign powers allusions have been made to their domestic disturbances or foreign wars, to their revolutions or dissensions. It may be proper to observe that this is done solely in cases where those events affect our political relations with them, or to show their operation on our commerce. Further than this it is neither our policy nor our right to interfere. Our best wishes on all occasions, our good offices when required, will be afforded to promote the domestic tranquillity and foreign peace of all nations with whom we have any intercourse. Any intervention in their affairs further than this, even by the expression of an official opinion, is contrary to our principles of international policy, and will always be avoided.

The report which the Secretary of the Treasury will in due time lay before you will exhibit the national finances in a highly prosperous state. Owing to the continued success of our commercial enterprise, which has enabled the merchants to fulfill their engagements with the Government, the receipts from customs during the year will exceed the estimate presented at the last session, and with the other means of the Treasury will prove fully adequate not only to meet the increased expenditures resulting from the large appropriations made by Congress, but to provide for the payment of all the public debt which is at present redeemable. It is now estimated that the customs will yield to the Treasury during the present year upward of $28,000,000 The public lands, however, have proved less productive than was anticipated, and according to present information will not much exceed two millions. The expenditures for all objects other than the public debt are estimated to amount during the year to about sixteen millions and a half, while a still larger sum, viz, $18,000,000, will have been applied to the principal and interest of the public debt.

It is expected, however, that in consequence of the reduced rates of duty which will take effect after the 3d of March next there will be a considerable falling off in the revenue from customs in the year 1833. It will nevertheless be amply sufficient to provide for all the wants of the public service, estimated even upon a liberal scale, and for the redemption and purchase of the remainder of the public debt. On the 1st of January next the entire public debt of the United States, funded and unfunded, will be reduced to within a fraction of $7,000,000, of which $2,227,363 are not of right redeemable until the 1st of January, 1834, and $4,735,296 not until the 2d of January, 1835. The commissioners of the sinking funds, however, being invested with full authority to purchase the debt at the market price, and the means of the Treasury being ample, it may be hoped that the whole will be extinguished within the year 1833.

I can not too cordially congratulate Congress and my fellow-citizens on the near approach of that memorable and happy event—the extinction of the public debt of this great and free nation. Faithful to the wise and patriotic policy marked out by the legislation of the country for this object, the present Administration has devoted to it all the means which a flourishing commerce has supplied and a prudent economy preserved for the public Treasury. Within the four years for which the people have confided the Executive power to my charge $58,000,000 will have been applied to the payment of the public debt. That this has been accomplished without stinting the expenditures for all other proper objects will be seen by referring to the liberal provision made during the same period for the support and increase of our means of maritime and military defense, for internal improvements of a national character, for the removal and preservation of the Indians, and, lastly, for the gallant veterans of the Revolution.

The final removal of this great burthen from our resources affords the means of further provision for all the objects of general welfare and public defense which the Constitution authorizes, and presents the occasion for such further reduction in the revenue as may not be required for them. From the report of the Secretary of the Treasury it will be seen that after the present year such a reduction may be made to a considerable extent, and the subject is earnestly recommended to the consideration of Congress in the hope that the combined wisdom of the representatives of the people will devise such means of effecting that salutary object as may remove those burthens which shall be found to fall unequally upon any and as may promote all the great interests of the community.

Long and patient reflection has strengthened the opinions I have heretofore expressed to Congress on this subject, and I deem it my duty on the present occasion again to urge them upon the attention of the Legislature. The soundest maxims of public policy and the principals upon which our republican institutions are founded recommend a proper adaptation of the revenue to the expenditure, and they also require that the expenditure shall be limited to what, by an economical administration, shall be consistent with the simplicity of the Government and necessary to an efficient public service. In effecting this adjustment it is due, in justice to the interests of the different States, and even to the preservation of the Union itself, that the protection afforded by existing laws to any branches of the national industry should not exceed what may be necessary to counteract the regulations of foreign nations and to secure a supply of those articles of manufacture essential to the national independence and safety in time of war. If upon investigation it shall be found, as it is believed it will be, that the legislative protection granted to any particular interest is greater than is indispensably requisite for these objects, I recommend that it be gradually diminished, and that as far as may be consistent with these objects the whole scheme of duties be reduced to the revenue standard as soon as a just regard to the faith of the Government and to the preservation of the large capital invested in establishments of domestic industry will permit.

That manufactures adequate to the supply of our domestic consumption would in the abstract be beneficial to our country there is no reason to doubt, and to effect their establishment there is perhaps no American citizen who would not for awhile be willing to pay a higher price for them. But for this purpose it is presumed that a tariff of high duties, designed for perpetual protection, has entered into the minds of but few of our statesmen. The most they have anticipated is a temporary and, generally, incidental protection, which they maintain has the effect to reduce the price by domestic competition below that of the foreign article. Experience, however, our best guide on this as on other subjects, makes it doubtful whether the advantages of this system are not counterbalanced by many evils, and whether it does not tend to beget in the minds of a large portion of our countrymen a spirit of discontent and jealousy dangerous to the stability of the Union.

What, then, shall be done? Large interests have grown up under the implied pledge of our national legislation, which it would seem a violation of public faith suddenly to abandon. Nothing could justify it but the public safety, which is the supreme law. But those who have vested their capital in manufacturing establishments can not expect that the people will continue permanently to pay high taxes for their benefit, when the money is not required for any legitimate purpose in the administration of the Government. Is it not enough that the high duties have been paid as long as the money arising from them could be applied to the common benefit in the extinguishment of the public debt?

Those who take an enlarged view of the condition of our country must be satisfied that the policy of protection must be ultimately limited to those articles of domestic manufacture which are indispensable to our safety in time of war. Within this scope, on a reasonable scale, it is recommended by every consideration of patriotism and duty, which will doubtless always secure to it a liberal and efficient support. But beyond this object we have already seen the operation of the system productive of discontent. In some sections of the Republic its influence is deprecated as tending to concentrate wealth into a few hands, and as creating those germs of dependence and vice which in other countries have characterized the existence of monopolies and proved so destructive of liberty and the general good. A large portion of the people in one section of the Republic declares it not only inexpedient on these grounds, but as disturbing the equal relations of property by legislation, and therefore unconstitutional and unjust.

Doubtless these effects are in a great degree exaggerated, and may be ascribed to a mistaken view of the considerations which led to the adoption of the tariff system; but they are nevertheless important in enabling us to review the subject with a more thorough knowledge of all its bearings upon the great interests of the Republic, and with a determination to dispose of it so that none can with justice complain.

It is my painful duty to state that in one quarter of the United States opposition to the revenue laws has arisen to a height which threatens to thwart their execution, if not to endanger the integrity of the Union. Whatever obstructions may be thrown in the way of the judicial authorities of the General Government, it is hoped they will be able peaceably to overcome them by the prudence of their own officers and the patriotism of the people. But should this reasonable reliance on the moderation and good sense of all portions of our fellow-citizens be disappointed, it is believed that the laws themselves are fully adequate to the suppression of such attempts as may be immediately made. Should the exigency arise rendering the execution of the existing laws impracticable from any cause whatever, prompt notice of it will be given to Congress, with a suggestion of such views and measures as may be deemed necessary to meet it.

In conformity with principles heretofore explained, and with the hope of reducing the General Government to that simple machine which the Constitution created and of withdrawing from the States all other influence than that of its universal beneficence in preserving peace, affording an uniform currency, maintaining the inviolability of contracts, diffusing intelligence, and discharging unfelt its other superintending functions, I recommend that provision be made to dispose of all stocks now held by it in corporations, whether created by the General or State Governments, and placing the proceeds in the Treasury. As a source of profit these stocks are of little or no value; as a means of influence among the States they are adverse to the purity of our institutions. The whole principle on which they are based is deemed by many unconstitutional, and to persist in the policy which they indicate is considered wholly inexpedient.

It is my duty to acquaint you with an arrangement made by the Bank of the United States with a portion of the holders of the 3 per cent stock, by which the Government will be deprived of the use of the public funds longer than was anticipated. By this arrangement, which will be particularly explained by the Secretary of the Treasury, a surrender of the certificates of this stock may be postponed until October, 1833, and thus the liability of the Government, after its ability to discharge the debt, may be continued by the failure of the bank to perform its duties.

Such measures as are within the reach of the Secretary of the Treasury have been taken to enable him to judge whether the public deposits in that institution may be regarded as entirely safe; but as his limited power may prove inadequate to this object, I recommend the subject to the attention of Congress, under the firm belief that it is worthy of their serious investigation. An inquiry into the transactions of the institution, embracing the branches as well as the principal bank, seems called for by the credit which is given throughout the country to many serious charges impeaching its character, and which if true may justly excite the apprehension that it is no longer a safe depository of the money of the people.

Among the interests which merit the consideration of Congress after the payment of the public debt, one of the most important, in my view, is that of the public lands. Previous to the formation of our present Constitution it was recommended by Congress that a portion of the waste lands owned by the States should be ceded to the United States for the purposes of general harmony and as a fund to meet the expenses of the war. The recommendation was adopted, and at different periods of time the States of Massachusetts, New York, Virginia, North and South Carolina, and Georgia granted their vacant soil for the uses for which they had been asked. As the lands may now be considered as relieved from this pledge, the object for which they were ceded having been accomplished, it is in the discretion of Congress to dispose of them in such way as best to conduce to the quiet, harmony, and general interest of the American people. In examining this question all local and sectional feelings should be discarded and the whole United States regarded as one people, interested alike in the prosperity of their common country.

It can not be doubted that the speedy settlement of these lands constitutes the true interest of the Republic. The wealth and strength of a country are its population, and the best part of that population are the cultivators of the soil. Independent farmers are everywhere the basis of society and true friends of liberty.

In addition to these considerations questions have already arisen, and may be expected hereafter to grow out of the public lands, which involve the rights of the new States and the powers of the General Government, and unless a liberal policy be now adopted there is danger that these questions may speedily assume an importance not now generally anticipated. The influence of a great sectional interest, when brought into full action, will be found more dangerous to the harmony and union of the States than any other cause of discontent, and it is the part of wisdom and sound policy to foresee its approaches and endeavor if possible to counteract them.

Of the various schemes which have been hitherto proposed in regard to the disposal of the public lands, none has yet received the entire approbation of the National Legislature. Deeply impressed with the importance of a speedy and satisfactory arrangement of the subject, I deem it my duty on this occasion to urge it upon your consideration, and to the propositions which have been heretofore suggested by others to contribute those reflections which have occurred to me, in the hope that they may assist you in your future deliberations.

It seems to me to be our true policy that the public lands shall cease as soon as practicable to be a source of revenue, and that they be sold to settlers in limited parcels at a price barely sufficient to reimburse to the United States the expense of the present system and the cost arising under our Indian compacts. The advantages of accurate surveys and undoubted titles now secured to purchasers seem to forbid the abolition of the present system, because none can be substituted which will more perfectly accomplish these important ends. It is desirable, however, that in convenient time this machinery be withdrawn from the States, and that the right of soil and the future disposition of it be surrendered to the States respectively in which it lies.

The adventurous and hardy population of the West, besides contributing their equal share of taxation under our impost system, have in the progress of our Government, for the lands they occupy, paid into the Treasury a large proportion of $40,000,000, and of the revenue received therefrom but a small part has been expended amongst them. When to the disadvantage of their situation in this respect we add the consideration that it is their labor alone which gives real value to the lands, and that the proceeds arising from their sale are distributed chiefly among States which had not originally any claim to them, and which have enjoyed the undivided emolument arising from the sale of their own lands, it can not be expected that the new States will remain longer contented with the present policy after the payment of the public debt. To avert the consequences which may be apprehended from this cause, to put an end forever to all partial and interested legislation on the subject, and to afford to every American citizen of enterprise the opportunity of securing an independent freehold, it seems to me, therefore, best to abandon the idea of raising a future revenue out of the public lands.

In former messages I have expressed my conviction that the Constitution does not warrant the application of the funds of the General Government to objects of internal improvement which are not national in their character, and, both as a means of doing justice to all interests and putting an end to a course of legislation calculated to destroy the purity of the Government, have urged the necessity of reducing the whole subject to some fixed and certain rule. As there never will occur a period, perhaps, more propitious than the present to the accomplishment of this object, I beg leave to press the subject again upon your attention.

Without some general and well-defined principles ascertaining those objects of internal improvement to which the means of the nation may be constitutionally applied, it is obvious that the exercise of the power can never be satisfactory. Besides the danger to which it exposes Congress of making hasty appropriations to works of the character of which they may be frequently ignorant, it promotes a mischievous and corrupting influence upon elections by holding out to the people the fallacious hope that the success of a certain candidate will make navigable their neighboring creek or river, bring commerce to their doors, and increase the value of their property. It thus favors combinations to squander the treasure of the country upon a multitude of local objects, as fatal to just legislation as to the purity of public men.

If a system compatible with the Constitution can not be devised which is free from such tendencies, we should recollect that that instrument provides within itself the mode of its amendment, and that there is, therefore, no excuse for the assumption of doubtful powers by the General Government. If those which are clearly granted shall be found incompetent to the ends of its creation, it can at any time apply for their enlargement; and there is no probability that such an application, if founded on the public interest, will ever be refused. If the propriety of the proposed grant be not sufficiently apparent to command the assent of three-fourths of the States, the best possible reason why the power should not be assumed on doubtful authority is afforded; for if more than one-fourth of the States are unwilling to make the grant its exercise will be productive of discontents which will far overbalance any advantages that could be derived from it. All must admit that there is nothing so worthy of the constant solicitude of this Government as the harmony and union of the people.

Being solemnly impressed with the conviction that the extension of the power to make internal improvements beyond the limit I have suggested, even if it be deemed constitutional, is subversive of the best interests of our country, I earnestly recommend to Congress to refrain from its exercise in doubtful cases, except in relation to improvements already begun, unless they shall first procure from the States such an amendment of the Constitution as will define its character and prescribe its bounds. If the States feel themselves competent to these objects, why should this Government wish to assume the power? If they do not, then they will not hesitate to make the grant. Both Governments are the Governments of the people; improvements must be made with the money of the people, and if the money can be collected and applied by those more simple and economical political machines, the State governments, it will unquestionably be safer and better for the people than to add to the splendor, the patronage, and the power of the General Government. But if the people of the several States think otherwise they will amend the Constitution, and in their decision all ought cheerfully to acquiesce.

For a detailed and highly satisfactory view of the operations of the War Department I refer you to the accompanying report of the Secretary of War.

The hostile incursions of the Sac and Fox Indians necessarily led to the interposition of the Government. A portion of the troops, under Generals Scott and Atkinson, and of the militia of the State of Illinois were called into the field. After a harassing warfare, prolonged by the nature of the country and by the difficulty of procuring subsistence, the Indians were entirely defeated, and the disaffected band dispersed or destroyed. The result has been creditable to the troops engaged in the service. Severe as is the lesson to the Indians, it was rendered necessary by their unprovoked aggressions, and it is to be hoped that its impression will be permanent and salutary.

This campaign has evinced the efficient organization of the Army and its capacity for prompt and active service. Its several departments have performed their functions with energy and dispatch, and the general movement was satisfactory.

Our fellow-citizens upon the frontiers were ready, as they always are, in the tender of their services in the hour of danger. But a more efficient organization of our militia system is essential to that security which is one of the principal objects of all governments. Neither our situation nor our institutions require or permit the maintenance of a large regular force. History offers too many lessons of the fatal result of such a measure not to warn us against its adoption here. The expense which attends it, the obvious tendency to employ it because it exists and thus to engage in unnecessary wars, and its ultimate danger to public liberty will lead us, I trust, to place our principal dependence for protection upon the great body of the citizens of the Republic. If in asserting rights or in repelling wrongs war should come upon us, our regular force should be increased to an extent proportioned to the emergency, and our present small Army is a nucleus around which such force could be formed and embodied. But for the purposes of defense under ordinary circumstances we must rely upon the electors of the country. Those by whom and for whom the Government was instituted and is supported will constitute its protection in the hour of danger as they do its check in the hour of safety.

But it is obvious that the militia system is imperfect. Much time is lost, much unnecessary expense incurred, and much public property wasted under the present arrangement. Little useful knowledge is gained by the musters and drills as now established, and the whole subject evidently requires a thorough examination. Whether a plan of classification remedying these defects and providing for a system of instruction might not be adopted is submitted to the consideration of

Congress. The Constitution has vested in the General Government an independent authority upon the subject of the militia which renders its action essential to the establishment or improvement of the system, and I recommend the matter to your consideration in the conviction that the state of this important arm of the public defense requires your attention.

I am happy to inform you that the wise and humane policy of transferring from the eastern to the western side of the Mississippi the remnants of our aboriginal tribes, with their own consent and upon just terms, has been steadily pursued, and is approaching, I trust, its consummation. By reference to the report of the Secretary of War and to the documents submitted with it you will see the progress which has been made since your last session in the arrangement of the various matters connected with our Indian relations. With one exception every subject involving any question of conflicting jurisdiction or of peculiar difficulty has been happily disposed of, and the conviction evidently gains ground among the Indians that their removal to the country assigned by the United States for their permanent residence furnishes the only hope of their ultimate prosperity.

With that portion of the Cherokees, however, living within the State of Georgia it has been found impracticable as yet to make a satisfactory adjustment. Such was my anxiety to remove all the grounds of complaint and to bring to a termination the difficulties in which they are involved that I directed the very liberal propositions to be made to them which accompany the documents herewith submitted. They can not but have seen in these offers the evidence of the strongest disposition on the part of the Government to deal justly and liberally with them. An ample indemnity was offered for their present possessions, a liberal provision for their future support and improvement, and full security for their private and political rights. Whatever difference of opinion may have prevailed respecting the just claims of these people, there will probably be none respecting the liberality of the propositions, and very little respecting the expediency of their immediate acceptance. They were, however, rejected, and thus the position of these Indians remains unchanged, as do the views communicated in my message to the Senate of February 22, 1831.

I refer you to the annual report of the Secretary of the Navy, which accompanies this message, for a detail of the operations of that branch of the service during the present year.

Besides the general remarks on some of the transactions of our Navy presented in the view which has been taken of our foreign relations, I seize this occasion to invite to your notice the increased protection which it has afforded to our commerce and citizens on distant seas without any augmentation of the force in commission. In the gradual improvement of its pecuniary concerns, in the constant progress in the collection of materials suitable for use during future emergencies, and in the construction of vessels and the buildings necessary to their preservation and repair, the present state of this branch of the service exhibits the fruits of that vigilance and care which are so indispensable to its efficiency. Various new suggestions, contained in the annexed report, as well as others heretofore submitted to Congress, are worthy of your attention, but none more so than that urging the renewal for another term of six years of the general appropriation for the gradual improvement of the Navy.

From the accompanying report of the Postmaster-General you will also perceive that that Department continues to extend its usefulness without impairing its resources or lessening the accommodations which it affords in the secure and rapid transportation of the mail.

I beg leave to call the attention of Congress to the views heretofore expressed in relation to the mode of choosing the President and Vice-President of the United States, and to those respecting the tenure of office generally. Still impressed with the justness of those views and with the belief that the modifications suggested on those subjects if adopted will contribute to the prosperity and harmony of the country, I earnestly recommend them to your consideration at this time.

I have heretofore pointed out defects in the law for punishing official frauds, especially within the District of Columbia. It has been found almost impossible to bring notorious culprits to punishment, and, according to a decision of the court for this District, a prosecution is barred by a lapse of two years after the fraud has been committed. It may happen again, as it has already happened, that during the whole two years all the evidences of the fraud may be in the possession of the culprit himself. However proper the limitation may be in relation to private citizens, it would seem that it ought not to commence running in favor of public officers until they go out of office.

The judiciary system of the United States remains imperfect. Of the nine Western and Southwestern States three only enjoy the benefits of a circuit court. Ohio, Kentucky, and Tennessee are embraced in the general system, but Indiana, Illinois, Missouri, Alabama, Mississippi, and Louisiana have only district courts. If the existing system be a good one, why should it not be extended? If it be a bad one, why is it suffered to exist? The new States were promised equal rights and privileges when they came into the Union, and such are the guaranties of the Constitution. Nothing can be more obvious than the obligation of the General Government to place all the States on the same footing in relation to the administration of justice, and I trust this duty will be neglected no longer.

On many of the subjects to which your attention is invited in this communication it is a source of gratification to reflect that the steps to be now adopted are uninfluenced by the embarrassments entailed upon the country by the wars through which it has passed. In regard to most of our great interests we may consider ourselves as just starting in our career, and after a salutary experience about to fix upon a permanent basis the policy best calculated to promote the happiness of the people and facilitate their progress toward the most complete enjoyment of civil liberty. On an occasion so interesting and important in our history, and of such anxious concern to the friends of freedom throughout the world, it is our imperious duty to lay aside all selfish and local considerations and be guided by a lofty spirit of devotion to the great principles on which our institutions are founded.

That this Government may be so administered as to preserve its efficiency in promoting and securing these general objects should be the only aim of our ambition, and we can not, therefore, too carefully examine its structure, in order that we may not mistake its powers or assume those which the people have reserved to themselves or have preferred to assign to other agents. We should bear constantly in mind the fact that the considerations which induced the framers of the Constitution to withhold from the General Government the power to regulate the great mass of the business and concerns of the people have been fully justified by experience, and that it can not now be doubted that the genius of all our institutions prescribes simplicity and economy as the characteristics of the reform which is yet to be effected in the present and future execution of the functions bestowed upon us by the Constitution.

Limited to a general superintending power to maintain peace at home and abroad, and to prescribe laws on a few subjects of general interest not calculated to restrict human liberty, but to enforce human rights, this Government will find its strength and its glory in the faithful discharge of these plain and simple duties. Relieved by its protecting shield from the fear of war and the apprehension of oppression, the free enterprise of our citizens, aided by the State sovereignties, will work out improvements and ameliorations which can not fail to demonstrate that the great truth that the people can govern themselves is not only realized in our example, but that it is done by a machinery in government so simple and economical as scarcely to be felt. That the Almighty Ruler of the Universe may so direct our deliberations and overrule our acts as to make us instrumental in securing a result so dear to mankind is my most earnest and sincere prayer.

ANDREW JACKSON.

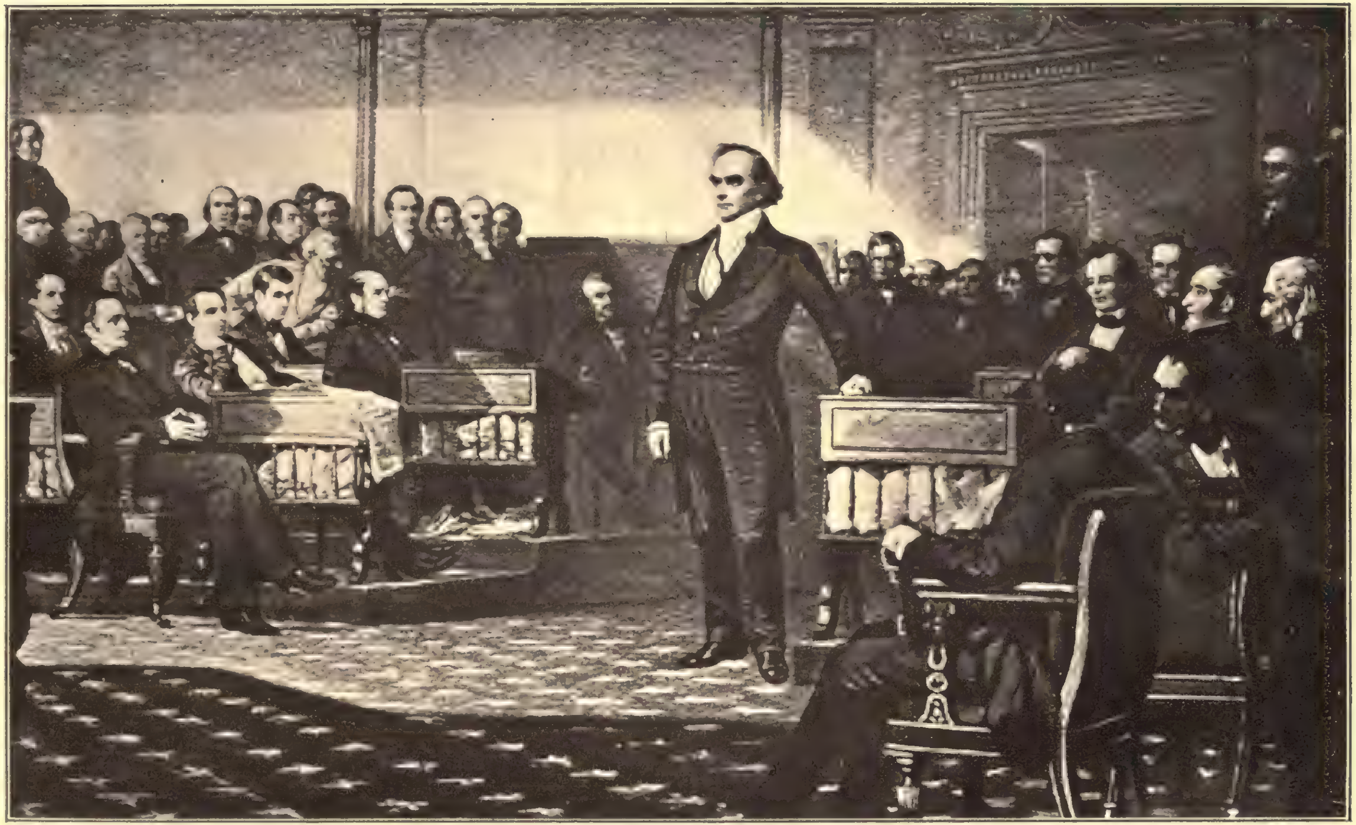
SPECIAL MESSAGES.

WASHINGTON, *December 11, 1832.*

The PRESIDENT OF THE SENATE:

I lay before the Senate, for its consideration and advice, a treaty of amity and commerce between the United States of America and the Republic of Chili, concluded at Santiago on the 16th day of May, 1832.

ANDREW JACKSON.



WEBSTER'S REPLY TO HAYNE

DANIEL WEBSTER

"In intellectual endowment, Webster surpassed all of our public men. No one understood the fundamental principles of our policy better; no one approached his wonderful power of expression. The political history of the country for twenty-seven years preceding 1850 might be written as well and fully from the speeches, state papers and letters of Webster as the story of the latter days of the Roman Republic from the like material of Cicero. Ticknor describes his sensations during one of Webster's speeches: 'I was never so excited by public speaking before in my life. Three or four times I thought my temples would burst with the gush of blood'; and, though from his youth intimate with Webster, 'when I came out I was almost afraid to come near him. It seemed to me as if he was like the mount that might not be touched and that burned with fire!'" Rhodes.

He loved his country as few men have loved it. "I am an American" was his favorite phrase. During his long public life he preached Union and Nationality, and before his keen intellect and mighty oratory the fallacies of secession and nullification dissipated like mists before the wind. When he lay on his death-bed, awaiting the final summons, his eyes dwelt lovingly on the National Emblem floating from a masthead, and at night, by the rays of a lantern placed there for him, he still watched it flutter.

WASHINGTON, *December 12, 1832.*

To the Senate:

I transmit herewith, for the consideration and advice of the Senate as to their ratification, treaties that have been concluded by commissioners duly appointed on the part of the United States with the following tribes of Indians, viz: The Chickasaws, the Apalachicola band in Florida, the Sacs and Foxes, the Winnebagoes, the Potawatamies of Indiana and Michigan, the Potawatamies of the Wabash and Elkheart, and the Potawatamies of the Prairie.

I also transmit the report and journals of the commissioners.

ANDREW JACKSON.

WASHINGTON, *December 17, 1832.*

The PRESIDENT OF THE SENATE:

A convention having been concluded at Naples on the 14th October, 1832, between the United States and the Government of the Two Sicilies, I now lay it before the Senate for its constitutional action upon it.

ANDREW JACKSON.

WASHINGTON, *December 17, 1832.*

To the Senate:

In compliance with the resolution of the Senate requesting the President of the United States "to communicate to the Senate copies of the commission appointing Samuel Gwin register of the land office at Mount Salus, in the State of Mississippi, in the recess of the Senate in 1831, and of the commission appointing the said Gwin to the same office in the recess of the Senate in 1832, and also a copy of the opinion of the Attorney-General of the United States in relation to said last-mentioned commission, and also the opinions, if any, of former Attorneys-General in similar cases, and copies of the commissions which may have issued in like cases, if any, under former Administrations," I transmit herewith the papers called for.

It may be proper to remark of the case of the navy agent, supposed to be analogous to that of Mr. Gwin, that the commissions are not usually recorded. The one transmitted, however, is the form generally observed, varied to suit the circumstances of the case, and omitting or inserting the words "by and with the advice and consent of the Senate," according to the time the appointment is made.

ANDREW JACKSON.

WASHINGTON, *December 21, 1832.*

To the Senate and House of Representatives:

I beg leave to call the attention of Congress to the accompanying communication from the Secretary of State, inclosing a correspondence between him and the artist employed to execute the statue of Washington which is to be placed in the Rotunda of the Capitol.

It appears from this correspondence that the present appropriation for the execution of this work is inadequate to the object, and I therefore feel it my duty before concluding the contract to ascertain whether the additional sum recommended as proper by the Secretary of State and the terms proposed by the artist will meet the approbation of Congress.

For this purpose the papers are respectfully submitted.

ANDREW JACKSON.

WASHINGTON, *December 27, 1832.*

To the Senate and House of Representatives:

I beg leave to call the attention of Congress to the accompanying reports—one from the engineer selected under the act of the 14th July last to take charge of the survey of the bridge across the Potomac which that act authorized the President to cause to be erected, and showing, after a careful survey, the propriety of applying a part of the sum appropriated to the repairing the old bridge; the other showing the considerations which, in the opinion of the same engineer and that of General Gratiot, should determine the choice between a superstructure of wood and of iron on the same foundation of granite.

Concurring in the reasons stated by these officers for the preference of the superstructure of wood, I have adopted it accordingly, and propose to take the measures necessary for the execution of the work. Previously, however, to inviting contracts for this purpose I deem it advisable to submit the subject to Congress, in order that the necessary appropriations may be supplied.

ANDREW JACKSON.

WASHINGTON, *December 28, 1832.*

To the House of Representatives:

I have taken into consideration the resolution of the House requesting me to communicate to it, so far as in my opinion may be consistent with the public interest, "the correspondence between the Government of the United States and that of the Republic of Buenos Ayres which has resulted in the departure of the chargé d'affaires of the United States from that Republic, together with the instructions given to the said chargé d'affaires," and in answer to the said request state for the information of the House that although the chargé d'affaires of the United States has found it necessary to return, yet the negotiation between the two countries for the arrangement of the differences between them are not considered as broken off, but are suspended only until the arrival of a minister, who, it is officially announced, will be sent to this country with powers to treat on the subject.

This fact, it is believed, will justify the opinion I have formed that it will not be consistent with the public interest to communicate the correspondence and instructions requested by the House so long as the negotiation shall be pending.

ANDREW JACKSON.

WASHINGTON, *January 2, 1833*.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES:

I transmit herewith a report from the Secretary of State on the subject of the French ship *Pactole*, upon the cargo of which a discriminating duty seems to have been levied in 1827 by the collector at Pensacola, in contravention, as is alleged, with the convention of 1822 with France.

ANDREW JACKSON.

WASHINGTON, *January 3, 1833*.

To the House of Representatives:

I beg leave to call the attention of Congress to the accompanying report from the Secretary of State, recommending an appropriation to refund the amount of duties that have been collected in the ports of the United States on the tonnage of foreign vessels belonging to nations that have abolished in their ports discriminating duties on the vessels of the United States.

I also transmit herewith another report from the Secretary of State, stating the losses to which certain Swedish subjects allege they were exposed by the taking out of one of the ports of St. Bartholomew, in the year 1828, a vessel under the flag of the Republic of Buenos Ayres, by the commander of the United States ship *Erie*, and for the payment of which it is thought provision ought to be made by Congress.

ANDREW JACKSON.

WASHINGTON, *January 7, 1833*.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES:

I transmit to the House of Representatives the report of the Secretary of State upon the subject of the duties on the cargo of the French ship *Pactole*, prepared in obedience to the resolution of that House of the 20th of December, 1832, which was referred to him.

ANDREW JACKSON.

To the Senate:

In compliance with the resolution of the Senate of the 28th ultimo, requesting the President of the United States to communicate to the Senate a copy of the treaty concluded at Franklin, in the State of

Tennessee, between the United States and the Chickasaw tribe of Indians, on the —— day of August, 1830, together with a copy of the instructions, if any, to the commissioner who negotiated the treaty with said tribe of Indians, bearing date the 30th day of October, 1832, I transmit herewith a report from the Secretary of War, containing the information required.

ANDREW JACKSON.

JANUARY 8, 1833.

WASHINGTON, *January 10, 1833*.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES:

In compliance with the resolution of the House of the 4th instant, requesting to be furnished with such information as the President may possess "in relation to the survey of the northern boundary of the State of Ohio under the provisions of the act of Congress passed for that purpose on the 14th of July, 1832," I transmit herewith a report from the Secretary of War containing it.

ANDREW JACKSON.

WASHINGTON, *January 14, 1833*.

To the Senate:

I transmit herewith to the Senate, for their advice and consent as to the ratification of the same, treaties that have been concluded by commissioners duly appointed on the part of the United States with the following Indian tribes, viz: With the Kickapoos; with the Shawanoes and Delawares, late of Cape Gerardeau, together with stipulations with Delawares for certain private annuities; with the Pankeshaws and Peorias.

I also transmit the journal of the commissioners who negotiated these treaties.

ANDREW JACKSON.

WASHINGTON, *January 16, 1833*.

Gentlemen of the Senate and House of Representatives:

In my annual message at the commencement of your present session I adverted to the opposition to the revenue laws in a particular quarter of the United States, which threatened not merely to thwart their execution, but to endanger the integrity of the Union; and although I then expressed my reliance that it might be overcome by the prudence of the officers of the United States and the patriotism of the people, I stated that should the emergency arise rendering the execution of the existing laws impracticable from any cause whatever prompt notice should be given to Congress, with the suggestion of such views and measures as might be necessary to meet it.

Events which have occurred in the quarter then alluded to, or which have come to my knowledge subsequently, present this emergency.

Since the date of my last annual message I have had officially transmitted to me by the governor of South Carolina, which I now communicate to Congress, a copy of the ordinance passed by the convention which assembled at Columbia, in the State of South Carolina, in November last, declaring certain acts of Congress therein mentioned within the limits of that State to be absolutely null and void, and making it the duty of the legislature to pass such laws as would be necessary to carry the same into effect from and after the 1st February next.

The consequences to which this extraordinary defiance of the just authority of the Government might too surely lead were clearly foreseen, and it was impossible for me to hesitate as to my own duty in such an emergency.

The ordinance had been passed, however, without any certain knowledge of the recommendation which, from a view of the interests of the nation at large, the Executive had determined to submit to Congress, and a hope was indulged that by frankly explaining his sentiments and the nature of those duties which the crisis would devolve upon him the authorities of South Carolina might be induced to retrace their steps. In this hope I determined to issue my proclamation of the 10th of December last, a copy of which I now lay before Congress.

I regret to inform you that these reasonable expectations have not been realized, and that the several acts of the legislature of South Carolina which I now lay before you, and which have all and each of them finally passed after a knowledge of the desire of the Administration to modify the laws complained of, are too well calculated both in their positive enactments and in the spirit of opposition which they obviously encourage wholly to obstruct the collection of the revenue within the limits of that State.

Up to this period neither the recommendation of the Executive in regard to our financial policy and impost system, nor the disposition manifested by Congress promptly to act upon that subject, nor the unequivocal expression of the public will in all parts of the Union appears to have produced any relaxation in the measures of opposition adopted by the State of South Carolina; nor is there any reason to hope that the ordinance and laws will be abandoned.

I have no knowledge that an attempt has been made, or that it is in contemplation, to reassemble either the convention or the legislature, and it will be perceived that the interval before the 1st of February is too short to admit of the preliminary steps necessary for that purpose. It appears, moreover, that the State authorities are actively organizing their military resources, and providing the means and giving the most solemn assurances of protection and support to all who shall enlist in opposition to the revenue laws.

A recent proclamation of the present governor of South Carolina has openly defied the authority of the Executive of the Union, and general orders from the headquarters of the State announced his determination to accept the services of volunteers and his belief that should their country need their services they will be found at the post of honor and duty, ready to lay down their lives in her defense. Under these orders the forces referred to are directed to "hold themselves in readiness to take the field at a moment's warning," and in the city of Charleston, within a collection district, and a port of entry, a rendezvous has been opened for the purpose of enlisting men for the magazine and municipal guard. Thus South Carolina presents herself in the attitude of hostile preparation, and ready even for military violence if need be to enforce her laws for preventing the collection of the duties within her limits.

Proceedings thus announced and matured must be distinguished from menaces of unlawful resistance by irregular bodies of people, who, acting under temporary delusion, may be restrained by reflection and the influence of public opinion from the commission of actual outrage. In the present instance aggression may be regarded as committed when it is officially authorized and the means of enforcing it fully provided.

Under these circumstances there can be no doubt that it is the determination of the authorities of South Carolina fully to carry into effect their ordinance and laws after the 1st of February. It therefore becomes my duty to bring the subject to the serious consideration of Congress, in order that such measures as they in their wisdom may deem fit shall be seasonably provided, and that it may be thereby understood that while the Government is disposed to remove all just cause of complaint as far as may be practicable consistently with a proper regard to the interests of the community at large, it is nevertheless determined that the supremacy of the laws shall be maintained.

In making this communication it appears to me to be proper not only that I should lay before you the acts and proceedings of South Carolina, but that I should also fully acquaint you with those steps which I have already caused to be taken for the due collection of the revenue, and with my views of the subject generally, that the suggestions which the Constitution requires me to make in regard to your future legislation may be better understood.

This subject having early attracted the anxious attention of the Executive, as soon as it was probable that the authorities of South Carolina seriously meditated resistance to the faithful execution of the revenue laws it was deemed advisable that the Secretary of the Treasury should particularly instruct the officers of the United States in that part of the Union as to the nature of the duties prescribed by the existing laws.

Instructions were accordingly issued on the 6th of November to the collectors in that State, pointing out their respective duties and enjoining upon each a firm and vigilant but discreet performance of them in the emergency then apprehended.

I herewith transmit copies of these instructions and of the letter addressed to the district attorney, requesting his cooperation. These instructions were dictated in the hope that as the opposition to the laws by the anomalous proceeding of nullification was represented to be of a pacific nature, to be pursued substantially according to the forms of the Constitution and without resorting in any event to force or violence, the measures of its advocates would be taken in conformity with that profession, and on such supposition the means afforded by the existing laws would have been adequate to meet any emergency likely to arise.

It was, however, not possible altogether to suppress apprehension of the excesses to which the excitement prevailing in that quarter might lead, but it certainly was not foreseen that the meditated obstruction to the laws would so soon openly assume its present character.

Subsequently to the date of those instructions, however, the ordinance of the convention was passed, which, if complied with by the people of the State, must effectually render inoperative the present revenue laws within her limits.

That ordinance declares and ordains—

> That the several acts and parts of acts of the Congress of the United States purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, and now having operation and effect within the United States, and more especially "An act in alteration of the several acts imposing duties on imports," approved on the 19th of May, 1828, and also an act entitled "An act to alter and amend the several acts imposing duties on imports," approved on the 14th July, 1832, are unauthorized by the Constitution of the United States, and violate the true intent and meaning thereof, and are null and void and no law, nor binding upon the State of South Carolina, its officers and citizens; and all promises, contracts, and obligations made or entered into, or to be made or entered into, with purpose to secure the duties imposed by the said acts, and all judicial proceedings which shall be hereafter had in affirmance thereof, are and shall be held utterly null and void.

It also ordains—

> That it shall not be lawful for any of the constituted authorities, whether of the State of South Carolina or of the United States, to enforce the payment of duties imposed by the said acts within the limits of the State, but that it shall be the duty of the legislature to adopt such measures and pass such acts as may be necessary to give full effect to this ordinance and to prevent the enforcement and arrest the operation of the said acts and parts of acts of the Congress of the United States within the limits of the State from and after the 1st of February next; and it shall be the duty of all other constituted authorities and of all other persons residing or being within the limits of the State, and they are hereby required and enjoined, to obey and give effect to this ordinance and such acts and measures of the legislature as may be passed or adopted in obedience thereto.

It further ordains—

> That in no case of law or equity decided in the courts of the State wherein shall be drawn in question the authority of this ordinance, or the validity of such act or acts of the legislature as may be passed for the purpose of giving effect thereto, or the validity of the aforesaid acts of Congress imposing duties, shall any appeal be taken

> or allowed to the Supreme Court of the United States, nor shall any copy of the record be permitted or allowed for that purpose; and the person or persons attempting to take such appeal may be dealt with as for a contempt of court.

It likewise ordains—

> That all persons holding any office of honor, profit, or trust, civil or military, under the State shall, within such time and in such manner as the legislature shall prescribe, take an oath well and truly to obey, execute, and enforce this ordinance and such act or acts of the legislature as may be passed in pursuance thereof, according to the true intent and meaning of the same; and on the neglect or omission of any such person or persons so to do his or their office or offices shall be forthwith vacated, and shall be filled up as if such person or persons were dead or had resigned. And no person hereafter elected to any office of honor, profit, or trust, civil or military, shall, until the legislature shall otherwise provide and direct, enter on the execution of his office or be in any respect competent to discharge the duties thereof until he shall in like manner have taken a similar oath; and no juror shall be empaneled in any of the courts of the State in any cause in which shall be in question this ordinance or any act of the legislature passed in pursuance thereof, unless he shall first, in addition to the usual oath, have taken an oath that he will well and truly obey, execute, and enforce this ordinance and such act or acts of the legislature as may be passed to carry the same into operation and effect, according to the true intent and meaning thereof.

The ordinance concludes:

> And we, the people of South Carolina, to the end that it may be fully understood by the Government of the United States and the people of the co-States that we are determined to maintain this ordinance and declaration at every hazard, do further declare that we will not submit to the application of force on the part of the Federal Government to reduce this State to obedience, but that we will consider the passage by Congress of any act authorizing the employment of a military or naval force against the State of South Carolina, her constituted authorities or citizens, or any act abolishing or closing the ports of this State, or any of them, or otherwise obstructing the free ingress and egress of vessels to and from the said ports, or any other act on the part of the Federal Government to coerce the State, shut up her ports, destroy or harass her commerce, or to enforce the acts hereby declared to be null and void, otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union; and that the people of this State will thenceforth hold themselves absolved from all further obligation to maintain or preserve their political connection with the people of the other States, and will forthwith proceed to organize a separate government and to do all other acts and things which sovereign and independent states may of right do.

This solemn denunciation of the laws and authority of the United States has been followed up by a series of acts on the part of the authorities of that State which manifest a determination to render inevitable a resort to those measures of self-defense which the paramount duty of the Federal Government requires, but upon the adoption of which that State will proceed to execute the purpose it has avowed in this ordinance of withdrawing from the Union.

On the 27th of November the legislature assembled at Columbia, and on their meeting the governor laid before them the ordinance of the convention. In his message on that occasion he acquaints them that "this ordinance has thus become a part of the fundamental law of South Carolina;" that "the die has been at last cast, and South Carolina has at length appealed to her ulterior sovereignty as a member of this Confederacy and has planted herself on her reserved rights. The rightful exercise of this power is not a question which we shall any longer argue. It is sufficient that she has willed it, and that the act is done; nor is its strict compatibility with our constitutional obligation to all laws passed by the General Government within the authorized grants of power to be drawn in question when this interposition is exerted in a case in which the compact has been palpably, deliberately, and dangerously violated. That it brings up a conjuncture of deep and momentous interest is neither to be concealed nor denied. This crisis presents a class of duties which is referable to yourselves. You have been commanded by the people in their highest sovereignty to take care that within the limits of this State their will shall be obeyed." "The measure of legislation," he says, "which you have to employ at this crisis is the precise amount of such enactments as may be necessary to render it utterly impossible to collect within our limits the duties imposed by the protective tariffs thus nullified."

He proceeds:

> That you should arm every citizen with a civil process by which he may claim, if he pleases, a restitution of his goods seized under the existing imposts on his giving security to abide the issue of a suit at law, and at the same time define what shall constitute treason against the State, and by a bill of pains and penalties compel obedience and punish disobedience to your own laws, are points too obvious to require any discussion. In one word, you must survey the whole ground. You must look to and provide for all possible contingencies. In your own limits your own courts of judicature must not only be supreme, but you must look to the ultimate issue of any conflict of jurisdiction and power between them and the courts of the United States.

The governor also asks for power to grant clearances, in violation of the laws of the Union; and to prepare for the alternative which must happen unless the United States shall passively surrender their authority, and the Executive, disregarding his oath, refrain from executing the laws of the Union, he recommends a thorough revision of the militia system, and that the governor "be authorized to accept for the defense of Charleston and its dependencies the services of 2,000 volunteers, either by companies or files," and that they be formed into a legionary brigade consisting of infantry, riflemen, cavalry, field and heavy artillery, and that they be "armed and equipped from the public arsenals completely for the field, and that appropriations be made for supplying all deficiencies in our munitions of war." In addition to these volunteer drafts, he recommends that the governor be authorized "to accept the services of 10,000 volunteers from the other divisions of the State, to be organized and arranged in regiments and brigades, the officers to be selected by the commander in chief, and that this whole force be called *the State guard*."

A request has been regularly made of the secretary of state of South Carolina for authentic copies of the acts which have been passed for the purpose of enforcing the ordinance, but up to the date of the latest advices that request had not been complied with, and on the present occasion, therefore, reference can only be made to those acts as published in the newspapers of the State.

The acts to which it is deemed proper to invite the particular attention of Congress are:

First. "An act to carry into effect, in part, an ordinance to nullify certain acts of the Congress of the United States purporting to be laws laying duties on the importation of foreign commodities," passed in convention of this State, at Columbia, on the 24th November, 1832.

This act provides that any goods seized or detained under pretense of securing the duties, or for the nonpayment of duties, or under any process, order, or decree, or other pretext contrary to the intent and meaning of the ordinance may be recovered by the owner or consignee by "an act of replevin;" that in case of refusing to deliver them, or removing them so that the replevin can not be executed, the sheriff may seize the personal estate of the offender to double the amount of the goods, and if any attempt shall be made to retake or seize them it is the duty of the sheriff to recapture them; and that any person who shall disobey the process or remove the goods, or anyone who shall attempt to retake or seize the goods under pretense of securing the duties, or for nonpayment of duties, or under any process or decree contrary to the intent of the ordinance, shall be fined and imprisoned, besides being liable for any other offense involved in the act.

It also provides that any person arrested or imprisoned on any judgment or decree obtained in any Federal court for duties shall be entitled to the benefit secured by the habeas corpus act of the State in cases of unlawful arrest, and may maintain an action for damages, and that if any estate shall be sold under such judgment or decree the sale shall be held illegal. It also provides that any jailer who receives a person committed on any process or other judicial proceedings to enforce the payment of duties, and anyone who hires his house as a jail to receive such persons, shall be fined and imprisoned. And, finally, it provides that persons paying duties may recover them back with interest.

The next is called "An act to provide for the security and protection of the people of the State of South Carolina."

This act provides that if the Government of the United States or any officer thereof shall, by the employment of naval or military force, attempt to coerce the State of South Carolina into submission to the acts of Congress declared by the ordinance null and void, or to resist the enforcement of the ordinance or of the laws passed in pursuance thereof, or in case of any armed or forcible resistance thereto, the governor is authorized to resist the same and to order into service the whole or so much of the military force of the State as he may deem necessary; and that in case of any overt act of coercion or intention to commit the same, manifested by an unusual assemblage of naval or military forces in or near the State, or the occurrence of any circumstances indicating that armed force is about to be employed against the State or in resistance to its laws, the governor is authorized to accept the services of such volunteers and call into service such portions of the militia as may be required to meet the emergency.

The act also provides for accepting the service of the volunteers and organizing the militia, embracing all free white males between the ages of 16 and 60, and for the purchase of arms, ordnance, and ammunition. It also declares that the power conferred on the governor shall be applicable to all cases of insurrection or invasion, or imminent danger thereof, and to cases where the laws of the State shall be opposed and the execution thereof forcibly resisted by combinations too powerful to be suppressed by the power vested in the sheriffs and other civil officers, and declares it to be the duty of the governor in every such case to call forth such portions of the militia and volunteers as may be necessary promptly to suppress such combinations and cause the laws of the State to be executed.

No. 9 is "An act concerning the oath required by the ordinance passed in convention at Columbia on the 24th of November, 1832."

This act prescribes the form of the oath, which is, to obey and execute the ordinance and all acts passed by the legislature in pursuance thereof, and directs the time and manner of taking it by the officers of the State—civil, judiciary, and military.

It is believed that other acts have been passed embracing provisions for enforcing the ordinance, but I have not yet been able to procure them.

I transmit, however, a copy of Governor Hamilton's message to the legislature of South Carolina; of Governor Hayne's inaugural address to the same body, as also of his proclamation, and a general order of the governor and commander in chief, dated the 20th of December, giving public notice that the services of volunteers will be accepted under the act already referred to.

If these measures can not be defeated and overcome by the power conferred by the Constitution on the Federal Government, the Constitution must be considered as incompetent to its own defense, the supremacy of the laws is at an end, and the rights and liberties of the citizens can no longer receive protection from the Government of the Union. They not only abrogate the acts of Congress commonly called the tariff acts of 1828 and 1832, but they prostrate and sweep away at once and without exception every act and every part of every act imposing any amount whatever of duty on any foreign merchandise, and virtually every existing act which has ever been passed authorizing the collection of the revenue, including the act of 1816, and also the collection law of 1799, the constitutionality of which has never been questioned. It is not only those duties which are charged to have been imposed for the protection of manufactures that are thereby repealed, but all others, though laid for the purpose of revenue merely, and upon articles in no degree suspected of being objects of protection. The whole revenue system of the United States in South Carolina is obstructed and overthrown, and the Government is absolutely prohibited from collecting any part of the public revenue within the limits of that State. Henceforth, not only the citizens of South Carolina and of the United States, but the subjects of foreign states may import any description or quantity of merchandise into the ports of South Carolina without the payment of any duty whatsoever. That State is thus relieved from the payment of any part of the public burthens, and duties and imposts are not only rendered not uniform throughout the United States, but a direct and ruinous preference is given to the ports of that State over those of all the other States of the Union, in manifest violation of the positive provisions of the Constitution.

In point of duration, also, those aggressions upon the authority of Congress which by the ordinance are made part of the fundamental law of South Carolina are absolute, indefinite, and without limitation. They neither prescribe the period when they shall cease nor indicate any conditions upon which those who have thus undertaken to arrest the operation of the laws are to retrace their steps and rescind their measures. They offer to the United States no alternative but unconditional submission. If the scope of the ordinance is to be received as the scale of concession, their demands can be satisfied only by a repeal of the whole system of revenue laws and by abstaining from the collection of any duties and imposts whatsoever.

It is true that in the address to the people of the United States by the convention of South Carolina, after announcing "the fixed and final determination of the State in relation to the protecting system," they say "that it remains for us to submit a plan of taxation in which we would be willing to acquiesce in a liberal spirit of concession, provided we are met in due time and in a becoming spirit by the States interested in manufactures." In the opinion of the convention, an equitable plan would be that "the whole list of protected articles should be imported free of all duty, and that the revenue derived from import duties should be raised exclusively from the unprotected articles, or that whenever a duty is imposed upon protected articles imported an excise duty of the same rate shall be imposed upon all similar articles manufactured in the United States."

The address proceeds to state, however, that "they are willing to make a large offering to preserve the Union, and, with a distinct declaration that it is a concession on our part, we will consent that the same rate of duty may be imposed upon the protected articles that shall be imposed upon the unprotected, provided that no more revenue be raised than is necessary to meet the demands of the Government for constitutional purposes, and provided also that a duty substantially uniform be imposed upon all foreign imports."

It is also true that in his message to the legislature, when urging the necessity of providing "means of securing their safety by ample resources for repelling force by force," the governor of South Carolina observes that he "can not but think that on a calm and dispassionate review by Congress and the functionaries of the General Government of the true merits of this controversy the arbitration by a call of a convention of all the States, which we sincerely and anxiously seek and desire, will be accorded to us."

From the diversity of terms indicated in these two important documents, taken in connection with the progress of recent events in that quarter, there is too much reason to apprehend, without in any manner doubting the intentions of those public functionaries, that neither the terms proposed in the address of the convention nor those alluded to in the message of the governor would appease the excitement which has led to the present excesses. It is obvious, however, that should the latter be insisted on they present an alternative which the General Government of itself can by no possibility grant, since by an express provision of the Constitution Congress can call a convention for the purpose of proposing amendments only "on the application of the legislatures of two-thirds of the States." And it is not perceived that the terms presented in the address are more practicable than those referred to in the message.

It will not escape attention that the conditions on which it is said in the address of the convention they "would be willing to acquiesce" form no part of the ordinance. While this ordinance bears all the solemnity of a fundamental law, is to be authoritative upon all within the limits of South Carolina, and is absolute and unconditional in its terms, the address conveys only the sentiments of the convention, in no binding or practical form; one is the act of the State, the other only the expression of the opinions of the members of the convention. To limit the effect of that solemn act by any terms or conditions whatever, they should have been embodied in it, and made of import no less authoritative than the act itself. By the positive enactments of the ordinance the execution of the laws of the Union is absolutely prohibited, and the address offers no other prospect of their being again restored, even in the modified form proposed, than what depends upon the improbable contingency that amid changing events and increasing excitement the sentiments of the present members of the convention and of their successors will remain the same.

It is to be regretted, however, that these conditions, even if they had been offered in the same binding form, are so undefined, depend upon so many contingencies, and are so directly opposed to the known opinions and interests of the great body of the American people as to be almost hopeless of attainment. The majority of the States and of the people will certainly not consent that the protecting duties shall be wholly abrogated, never to be reenacted at any future time or in any possible contingency. As little practicable is it to provide that "the same rate of duty shall be imposed upon the protected articles that shall be imposed upon the unprotected," which, moreover, would be severely oppressive to the poor, and in time of war would add greatly to its rigors. And though there can be no objection to the principle, properly understood, that no more revenue shall be raised than is necessary for the constitutional purposes of the Government, which principle has been already recommended by the Executive as the true basis of taxation, yet it is very certain that South Carolina alone can not be permitted to decide what these constitutional purposes are.

The period which constitutes the due time in which the terms proposed in the address are to be accepted would seem to present scarcely less difficulty than the terms themselves. Though the revenue laws are already declared to be void in South Carolina, as well as the bonds taken under them and the judicial proceedings for carrying them into effect, yet as the full action and operation of the ordinance are to be suspended until the 1st of February the interval may be assumed as the time within which it is expected that the most complicated portion of the national legislation, a system of long standing and affecting great interests in the community, is to be rescinded and abolished. If this be required, it is clear that a compliance is impossible.

In the uncertainty, then, that exists as to the duration of the ordinance and of the enactments for enforcing it, it becomes imperiously the duty of the Executive of the United States, acting with a proper regard to all the great interests committed to his care, to treat those acts as absolute and unlimited. They are so as far as his agency is concerned. He can not either embrace or lead to the performance of the conditions. He has already discharged the only part in his power by the recommendation in his annual message. The rest is with Congress and the people, and until they have acted his duty will require him to look to the existing state of things and act under them according to his high obligations.

By these various proceedings, therefore, the State of South Carolina has forced the General Government, unavoidably, to decide the new and dangerous alternative of permitting a State to obstruct the execution of the laws within its limits or seeing it attempt to execute a threat of withdrawing from the Union. That portion of the people at present exercising the authority of the State solemnly assert their right to do either and as solemnly announce their determination to do one or the other.

In my opinion, both purposes are to be regarded as revolutionary in their character and tendency, and subversive of the supremacy of the laws and of the integrity of the Union. The result of each is the same, since a State in which, by an usurpation of power, the constitutional authority of the Federal Government is openly defied and set aside wants only the form to be independent of the Union.

The right of the people of a single State to absolve themselves at will and without the consent of the other States from their most solemn obligations, and hazard the liberties and happiness of the millions composing this Union, can not be acknowledged. Such authority is believed to be utterly repugnant both to the principles upon which the General Government is constituted and to the objects which it is expressly formed to attain.

Against all acts which may be alleged to transcend the constitutional power of the Government, or which may be inconvenient or oppressive in their operation, the Constitution itself has prescribed the modes of redress. It is the acknowledged attribute of free institutions that under them the empire of reason and law is substituted for the power of the sword. To no other source can appeals for supposed wrongs be made consistently with the obligations of South Carolina; to no other can such appeals be made with safety at any time; and to their decisions, when constitutionally pronounced, it becomes the duty no less of the public authorities than of the people in every case to yield a patriotic submission.

That a State or any other great portion of the people, suffering under long and intolerable oppression and having tried all constitutional remedies without the hope of redress, may have a natural right, when their happiness can be no otherwise secured, and when they can do so without greater injury to others, to absolve themselves from their obligations to the Government and appeal to the last resort, needs not on the present occasion be denied.

The existence of this right, however, must depend upon the causes which may justify its exercise. It is the *ultima ratio*, which presupposes that the proper appeals to all other means of redress have been made in good faith, and which can never be rightfully resorted to unless it be unavoidable. It is not the right of the State, but of the individual, and of all the individuals in the State. It is the right of mankind generally to secure by all means in their power the blessings of liberty and happiness; but when for these purposes any body of men have voluntarily associated themselves under a particular form of government, no portion of them can dissolve the association without acknowledging the correlative right in the remainder to decide whether that dissolution can be permitted consistently with the general happiness. In this view it is a right dependent upon the power to enforce it. Such a right, though it may be admitted to preexist and can not be wholly surrendered, is necessarily subjected to limitations in all free governments, and in compacts of all kinds freely and voluntarily entered into, and in which the interest and welfare of the individual become identified with those of the community of which he is a member. In compacts between individuals, however deeply they may affect their relations, these principles are acknowledged to create a sacred obligation; and in compacts of civil government, involving the liberties and happiness of millions of mankind, the obligation can not be less.

Without adverting to the particular theories to which the federal compact has given rise, both as to its formation and the parties to it, and without inquiring whether it be merely federal or social or national, it is sufficient that it must be admitted to be a compact and to possess the obligations incident to a compact; to be "a compact by which power is created on the one hand and obedience exacted on the other; a compact freely, voluntarily, and solemnly entered into by the several States and ratified by the people thereof, respectively; a compact by which the several States and the people thereof, respectively, have bound themselves to each other and to the Federal Government, and by which the Federal Government is bound to the several States and to every citizen of the United States." To this compact, in whatever mode it may have been done, the people of South Carolina have freely and voluntarily given their assent, and to the whole and every part of it they are, upon every principle of good faith, inviolably bound. Under this obligation they are bound and should be required to contribute their portion of the public expense, and to submit to all laws made by the common consent, in pursuance of the Constitution, for the common defense and general welfare, until they can be changed in the mode which the compact has provided for the attainment of those great ends of the Government and of the Union. Nothing less than causes which would justify revolutionary remedy can absolve the people from this obligation, and for nothing less can the Government permit it to be done without violating its own obligations, by which, under the compact, it is bound to the other States and to every citizen of the United States.

These deductions plainly flow from the nature of the federal compact, which is one of limitations, not only upon the powers originally possessed by the parties thereto, but also upon those conferred on the Government and every department thereof. It will be freely conceded that by the principles of our system all power is vested in the people, but to be exercised in the mode and subject to the checks which the people themselves have prescribed. These checks are undoubtedly only different modifications of the same great popular principle which lies at the foundation of the whole, but are not on that account to be less regarded or less obligatory.

Upon the power of Congress, the veto of the Executive and the authority of the judiciary, which is to extend to all cases in law and equity arising under the Constitution and laws of the United States made in pursuance thereof, are the obvious checks, and the sound action of public opinion, with the ultimate power of amendment, are the salutary and only limitation upon the powers of the whole.

However it may be alleged that a violation of the compact by the measures of the Government can affect the obligations of the parties, it can not even be pretended that such violation can be predicated of those measures until all the constitutional remedies shall have been fully tried. If the Federal Government exercise powers not warranted by the Constitution, and immediately affecting individuals, it will scarcely be denied that the proper remedy is a recourse to the judiciary. Such undoubtedly is the remedy for those who deem the acts of Congress laying duties and imposts, and providing for their collection, to be unconstitutional. The whole operation of such laws is upon the individuals importing the merchandise. A State is absolutely prohibited from laying imposts or duties on imports or exports without the consent of Congress, and can not become a party under these laws without importing in her own name or wrongfully interposing her authority against them. By thus interposing, however, she can not rightfully obstruct the operation of the laws upon individuals. For their disobedience to or violation of the laws the ordinary remedies through the judicial tribunals would remain. And in a case where an individual should be prosecuted for any offense against the laws, he could not set up in justification of his act a law of the State, which, being unconstitutional, would therefore be regarded as null and void. The law of a State can not authorize the commission of a crime against the United States or any other act which, according to the supreme law of the Union, would be otherwise unlawful; and it is equally clear that if there be any case in which a State, as such, is affected by the law beyond the scope of judicial power, the remedy consists in appeals to the people, either to effect a change in the representation or to procure relief by an amendment of the Constitution. But the measures of the Government are to be recognized as valid, and consequently supreme, until these remedies shall have been effectually tried, and any attempt to subvert those measures or to render the laws subordinate to State authority, and afterwards to resort to constitutional redress, is worse than evasive. It would not be a proper resistance to "a *government of unlimited powers*," as has been sometimes pretended, but unlawful opposition to the very limitations on which the harmonious action of the Government and all its parts absolutely depends. South Carolina has appealed to none of these remedies, but in effect has defied them all. While threatening to separate from the Union if any attempt be made to enforce the revenue laws otherwise than through the civil tribunals of the country, she has not only not appealed in her own name to those tribunals which the Constitution has provided for all cases in law or equity arising under the Constitution and laws of the United States, but has endeavored to frustrate their proper action on her citizens by drawing the cognizance of cases under the revenue laws to her own tribunals, specially prepared and fitted for the purpose of enforcing the acts passed by the State to obstruct those laws, and both the judges and jurors of which will be bound by the import of oaths previously taken to treat the Constitution and laws of the United States in this respect as a nullity. Nor has the State made the proper appeal to public opinion and to the remedy of amendment; for without waiting to learn whether the other States will consent to a convention, or if they do will construe or amend the Constitution to suit her views, she has of her own authority altered the import of that instrument and given immediate effect to the change. In fine, she has set her own will and authority above the laws, has made herself arbiter in her own cause, and has passed at once over all intermediate steps to measures of avowed resistance, which, unless they be submitted to, can be enforced only by the sword.

In deciding upon the course which a high sense of duty to all the people of the United States imposes upon the authorities of the Union in this emergency, it can not be overlooked that there is no sufficient cause for the acts of South Carolina, or for her thus placing in jeopardy the happiness of so many millions of people. Misrule and oppression, to warrant the disruption of the free institutions of the Union of these States, should be great and lasting, defying all other remedy. For causes of minor character the Government could not submit to such a catastrophe without a violation of its most sacred obligations to the other States of the Union who have submitted their destiny to its hands.

There is in the present instance no such cause, either in the degree of misrule or oppression complained of or in the hopelessness of redress by constitutional means. The long sanction they have received from the proper authorities and from the people, not less than the unexampled growth and increasing prosperity of so many millions of freemen, attest that no such oppression as would justify, or even palliate, such a resort can be justly imputed either to the present policy or past measures of the Federal Government.

The same mode of collecting duties, and for the same general objects, which began with the foundation of the Government, and which has conducted the country through its subsequent steps to its present enviable condition of happiness and renown, has not been changed. Taxation and representation, the great principle of the American Revolution, have continually gone hand in hand, and at all times and in every instance no tax of any kind has been imposed without their participation, and, in some instances which have been complained of, with the express assent of a part of the representatives of South Carolina in the councils of the Government. Up to the present period no revenue has been raised beyond the necessary wants of the country and the authorized expenditures of the Government; and as soon as the burthen of the public debt is removed those charged with the administration have promptly recommended a corresponding reduction of revenue.

That this system thus pursued has resulted in no such oppression upon South Carolina needs no other proof than the solemn and official declaration of the late chief magistrate of that State in his address to the legislature. In that he says that—

> The occurrences of the past year, in connection with our domestic concerns, are to be reviewed with a sentiment of fervent gratitude to the Great Disposer of Human Events; that tributes of grateful acknowledgment are due for the various and multiplied blessings He has been pleased to bestow on our people; that abundant harvests in every quarter of the State have crowned the exertions of agricultural labor; that health almost beyond former precedent has blessed our homes, and that there is not less reason for thankfulness in surveying our social condition.

It would indeed be difficult to imagine oppression where in the social condition of a people there was equal cause of thankfulness as for abundant harvests and varied and multiplied blessings with which a kind Providence had favored them.

Independently of these considerations, it will not escape observation that South Carolina still claims to be a component part of the Union, to participate in the national councils and to share in the public benefits without contributing to the public burdens, thus asserting the dangerous anomaly of continuing in an association without acknowledging any other obligation to its laws than what depends upon her own will.

In this posture of affairs the duty of the Government seems to be plain. It inculcates a recognition of that State as a member of the Union and subject to its authority, a vindication of the just power of the Constitution, the preservation of the integrity of the Union, and the execution of the laws by all constitutional means.

The Constitution, which his oath of office obliges him to support, declares that the Executive "*shall take care that the laws be faithfully executed*," and in providing that he shall from time to time give to Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient, imposes the additional obligation of recommending to Congress such more efficient provision for executing the laws as may from time to time be found requisite.

The same instrument confers on Congress the power not merely to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare, but "to make all laws which shall be necessary and proper for carrying into effect the foregoing powers and all other powers vested by the Constitution in the Government of the United States or in any department or officer thereof," and also to provide for calling forth the militia for executing the laws of the Union. In all cases similar to the present the duties of the Government become the measure of its powers, and whenever it fails to exercise a power necessary and proper to the discharge of the duty prescribed by the Constitution it violates the public trusts not less than it would in transcending its proper limits. To refrain, therefore, from the high and solemn duties thus enjoined, however painful the performance may be, and thereby tacitly permit the rightful authority of the Government to be contemned and its laws obstructed by a single State, would neither comport with its own safety nor the rights of the great body of the American people.

It being thus shown to be the duty of the Executive to execute the laws by all constitutional means, it remains to consider the extent of those already at his disposal and what it may be proper further to provide.

In the instructions of the Secretary of the Treasury to the collectors in South Carolina the provisions and regulations made by the act of 1799, and also the fines, penalties, and forfeitures for their enforcement, are particularly detailed and explained. It may be well apprehended, however, that these provisions may prove inadequate to meet such an open, powerful, organized opposition as is to be commenced after the 1st of February next.

Subsequently to the date of these instructions and to the passage of the ordinance, information has been received from sources entitled to be relied on that owing to the popular excitement in the State and the effect of the ordinance declaring the execution of the revenue laws unlawful a sufficient number of persons in whom confidence might be placed could not be induced to accept the office of inspector to oppose with any probability of success the force which will no doubt be used when an attempt is made to remove vessels and their cargoes from the custody of the officers of the customs, and, indeed, that it would be impracticable for the collector, with the aid of any number of inspectors whom he may be authorized to employ, to preserve the custody against such an attempt.

The removal of the custom-house from Charleston to Castle Pinckney was deemed a measure of necessary precaution, and though the authority to give that direction is not questioned, it is nevertheless apparent that a similar precaution can not be observed in regard to the ports of Georgetown and Beaufort, each of which under the present laws remains a port of entry and exposed to the obstructions meditated in that quarter.

In considering the best means of avoiding or of preventing the apprehended obstruction to the collection of the revenue, and the consequences which may ensue, it would appear to be proper and necessary to enable the officers of the customs to preserve the custody of vessels and their cargoes, which by the existing laws they are required to take, until the duties to which they are liable shall be paid or secured. The mode by which it is contemplated to deprive them of that custody is the process of replevin and that of *capias in withernam*, in the nature of a distress from the State tribunals organized by the ordinance.

Against the proceeding in the nature of a distress it is not perceived that the collector can interpose any resistance whatever, and against the process of replevin authorized by the law of the State he, having no common-law power, can only oppose such inspectors as he is by statute authorized and may find it practicable to employ, and these, from the information already adverted to, are shown to be wholly inadequate.

The respect which that process deserves must therefore be considered.

If the authorities of South Carolina had not obstructed the legitimate action of the courts of the United States, or if they had permitted the State tribunals to administer the law according to their oath under the Constitution and the regulations of the laws of the Union, the General Government might have been content to look to them for maintaining the custody and to encounter the other inconveniences arising out of the recent proceedings. Even in that case, however, the process of replevin from the courts of the State would be irregular and unauthorized. It has been decided by the Supreme Court of the United States that the courts of the United States have exclusive jurisdiction of all seizures made on land or water for a breach of the laws of the United States, and any intervention of a State authority which, by taking the thing seized out of the hands of the United States officer, might obstruct the exercise of this jurisdiction is unlawful; that in such case the court of the United States having cognizance of the seizure may enforce a redelivery of the thing by attachment or other summary process; that the question under such a seizure whether a forfeiture has been actually incurred belongs exclusively to the courts of the United States, and it depends on the final decree whether the seizure is to be deemed rightful or tortuous; and that not until the seizure be finally judged wrongful and without probable cause by the courts of the United States can the party proceed at common law for damages in the State courts.

But by making it "unlawful for any of the constituted authorities, whether of the United States or of the State, to enforce the laws for the payment of duties, and declaring that all judicial proceedings which shall be hereafter had in affirmance of the contracts made with purpose to secure the duties imposed by the said acts are and shall be held utterly null and void," she has in effect abrogated the judicial tribunals within her limits in this respect, has virtually denied the United States access to the courts established by their own laws, and declared it unlawful for the judges to discharge those duties which they are sworn to perform. In lieu of these she has substituted those State tribunals already adverted to, the judges whereof are not merely forbidden to allow an appeal or permit a copy of their record, but are previously sworn to disregard the laws of the Union and enforce those only of South Carolina, and thus deprived of the function essential to the judicial character of inquiring into the validity of the law and the right of the matter, become merely ministerial instruments in aid of the concerted obstruction of the laws of the Union.

Neither the process nor authority of these tribunals thus constituted can be respected consistently with the supremacy of the laws or the rights and security of the citizen. If they be submitted to, the protection due from the Government to its officers and citizens is withheld, and there is at once an end not only to the laws, but to the Union itself.

Against such a force as the sheriff may, and which by the replevin law of South Carolina it is his duty to exercise, it can not be expected that a collector can retain his custody with the aid of the inspectors. In such case, it is true, it would be competent to institute suits in the United States courts against those engaged in the unlawful proceeding, or the property might be seized for a violation of the revenue laws, and, being libeled in the proper courts, an order might be made for its redelivery, which would be committed to the marshal for execution. But in that case the fourth section of the act, in broad and unqualified terms, makes it the duty of the sheriff "to prevent such recapture or seizure, or to redeliver the goods, as the case may be," "even under any process, order, or decrees, or other pretext contrary to the true intent and meaning of the ordinance aforesaid." It is thus made the duty of the sheriff to oppose the process of the courts of the United States, and for that purpose, if need be, to employ the whole power of the county. And the act expressly reserves to him all power which, independently of its provisions, he could have used. In this reservation it obviously contemplates a resort to other means than those particularly mentioned.

It is not to be disguised that the power which it is thus enjoined upon the sheriff to employ is nothing less than the *posse comitatus* in all the rigor of the ancient common law. This power, though it may be used against unlawful resistance to judicial process, is in its character forcible, and analogous to that conferred upon the marshals by the act of 1795. It is, in fact, the embodying of the whole mass of the population, under the command of a single individual, to accomplish by their forcible aid what could not be effected peaceably and by the ordinary means. It may properly be said to be a relic of those ages in which the laws could be defended rather by physical than moral force, and in its origin was conferred upon the sheriffs of England to enable them to defend their county against any of the King's enemies when they came into the land, as well as for the purpose of executing process. In early and less civilized times it was intended to include "the aid and attendance of all knights and others who were bound to have harness." It includes the right of going with arms and military equipment, and embraces larger classes and greater masses of population than can be compelled by the laws of most of the States to perform militia duty. If the principles of the common law are recognized in South Carolina (and from this act it would seem they are), the power of summoning the *posse comitatus* will compel, under the penalty of fine and imprisonment, every man over the age of 15, and able to travel, to turn out at the call of the sheriff, and with such weapons as may be necessary; and it may justify beating, and even killing, such as may resist. The use of the *posse comitatus* is therefore a direct application of force, and can not be otherwise regarded than as the employment of the whole militia force of the county, and in an equally efficient form under a different name. No proceeding which resorts to this power to the extent contemplated by the act can be properly denominated peaceable.

The act of South Carolina, however, does not rely altogether upon this forcible remedy. For even attempting to resist or disobey, though by the aid only of the ordinary officers of the customs, the process of replevin, the collector and all concerned are subjected to a further proceeding in the nature of a distress of their personal effects, and are, moreover, made guilty of a misdemeanor, and liable to be punished by a fine of not less than $1,000 nor more than $5,000 and to imprisonment not exceeding two years and not less than six months; and for even attempting to execute the order of the court for retaking the property the marshal and all assisting would be guilty of a misdemeanor and liable to a fine of not less than $3,000 nor more than $10,000 and to imprisonment not exceeding two years nor less than one; and in case the goods should be retaken under such process it is made the absolute duty of the sheriff to retake them.

It is not to be supposed that in the face of these penalties, aided by the powerful force of the county, which would doubtless be brought to sustain the State officers, either that the collector would retain the custody in the first instance or that the marshal could summon sufficient aid to retake the property pursuant to the order or other process of the court.

It is, moreover, obvious that in this conflict between the powers of the officers of the United States and of the State (unless the latter be passively submitted to) the destruction to which the property of the officers of the customs would be exposed, the commission of actual violence, and the loss of lives would be scarcely avoidable.

Under these circumstances and the provisions of the acts of South Carolina the execution of the laws is rendered impracticable even through the ordinary judicial tribunals of the United States. There would certainly be fewer difficulties, and less opportunity of actual collision between the officers of the United States and of the State, and the collection of the revenue would be more effectually secured—if, indeed, it can be done in any other way—by placing the custom-house beyond the immediate power of the county.

For this purpose it might be proper to provide that whenever by any unlawful combination or obstruction in any State or in any port it should become impracticable faithfully to collect the duties, the President of the United States should be authorized to alter and abolish such of the districts and ports of entry as should be necessary, and to establish the custom-house at some secure place within some port or harbor of such State, and in such cases it should be the duty of the collector to reside at such place, and to detain all vessels and cargoes until the duties imposed by law should be properly secured or paid in cash, deducting interest; that in such cases it should be unlawful to take the vessel and cargo from the custody of the proper officer of the customs unless by process from the ordinary judicial tribunals of the United States, and that in case of an attempt otherwise to take the property by a force too great to be overcome by the officers of the customs it should be lawful to protect the possession of the officers by the employment of the land and naval forces and militia, under provisions similar to those authorized by the eleventh section of the act of the 9th of January, 1809.

This provision, however, would not shield the officers and citizens of the United States, acting under the laws, from suits and prosecutions in the tribunals of the State which might thereafter be brought against them, nor would it protect their property from the proceeding by distress, and it may well be apprehended that it would be insufficient to insure a proper respect to the process of the constitutional tribunals in prosecutions for offenses against the United States and to protect the authorities of the United States, whether judicial or ministerial, in the performance of their duties. It would, moreover, be inadequate to extend the protection due from the Government to that portion of the people of South Carolina against outrage and oppression of any kind who may manifest their attachment and yield obedience to the laws of the Union.

It may therefore be desirable to revive, with some modifications better adapted to the occasion, the sixth section of the act of the 3d March, 1815, which expired on the 4th March, 1817, by the limitation of that of 27th April, 1816, and to provide that in any case where suit shall be brought against any individual in the courts of the State for any act done under the laws of the United States he should be authorized to remove the said cause by petition into the circuit court of the United States without any copy of the record, and that the court should proceed to hear and determine the same as if it had been originally instituted therein; and that in all cases of injuries to the persons or property of individuals for disobedience to the ordinance and laws of South Carolina in pursuance thereof redress may be sought in the courts of the United States. It may be expedient also, by modifying the resolution of the 3d March, 1791, to authorize the marshals to make the necessary provision for the safe-keeping of prisoners committed under the authority of the United States.

Provisions less than these, consisting as they do for the most part rather of a revival of the policy of former acts called for by the existing emergency than of the introduction of any unusual or rigorous enactments, would not cause the laws of the Union to be properly respected or enforced. It is believed these would prove adequate unless the military forces of the State of South Carolina authorized by the late act of the legislature should be actually embodied and called out in aid of their proceedings and of the provisions of the ordinance generally. Even in that case, however, it is believed that no more will be necessary than a few modifications of its terms to adapt the act of 1795 to the present emergency, as by that act the provisions of the law of 1792 were accommodated to the crisis then existing, and by conferring authority upon the President to give it operation during the session of Congress, and without the ceremony of a proclamation, whenever it shall be officially made known to him by the authority of any State, or by the courts of the United States, that within the limits of such State the laws of the United States will be openly opposed and their execution obstructed by the actual employment of military force, or by any unlawful means whatsoever too great to be otherwise overcome.

In closing this communication, I should do injustice to my own feelings not to express my confident reliance upon the disposition of each department of the Government to perform its duty and to cooperate in all measures necessary in the present emergency.

The crisis undoubtedly invokes the fidelity of the patriot and the sagacity of the statesman, not more in removing such portion of the public burden as may be necessary than in preserving the good order of society and in the maintenance of well-regulated liberty.

While a forbearing spirit may, and I trust will, be exercised toward the errors of our brethren in a particular quarter, duty to the rest of the Union demands that open and organized resistance to the laws should not be executed with impunity.

The rich inheritance bequeathed by our fathers has devolved upon us the sacred obligation of preserving it by the same virtues which conducted them through the eventful scenes of the Revolution and ultimately crowned their struggle with the noblest model of civil institutions. They bequeathed to us a Government of laws and a Federal Union founded upon the great principle of popular representation. After a successful experiment of forty-four years, at a moment when the Government and the Union are the objects of the hopes of the friends of civil liberty throughout the world, and in the midst of public and individual prosperity unexampled in history, we are called to decide whether these laws possess any force and that Union the means of self-preservation. The decision of this question by an enlightened and patriotic people can not be doubtful. For myself, fellow-citizens, devoutly relying upon that kind Providence which has hitherto watched over our destinies, and actuated by a profound reverence for those institutions I have so much cause to love, and for the American people, whose partiality honored me with their highest trust, I have determined to spare no effort to discharge the duty which in this conjuncture is devolved upon me. That a similar spirit will actuate the representatives of the American people is not to be questioned; and I fervently pray that the Great Ruler of Nations may so guide your deliberations and our joint measures as that they may prove salutary examples not only to the present but to future times, and solemnly proclaim that the Constitution and the laws are supreme and the *Union indissoluble*.

ANDREW JACKSON.

WASHINGTON, *January 16, 1833*.

To the Senate:

In conformity with a resolution of the Senate of the 31st December last, I herewith transmit copies of the instructions under which the late treaty of indemnity with Naples was negotiated, and of all the correspondence relative thereto.

It will appear evident from a perusal of some of those documents that they are written by the agents of the United States to their own Government with a freedom, as far as relates to the officers of that of Naples, which was never intended for the public eye, and as they might, if printed, accidentally find their way abroad and thereby embarrass our ministers in their future operations in foreign countries, I respectfully recommend that in the printing, if deemed necessary, such a discrimination be made as to avoid that inconvenience, preferring this course to withholding from the Senate any part of the correspondence.

ANDREW JACKSON.

WASHINGTON, *January 17, 1833*.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES:

In conformity with a resolution of the House of Representatives of the 11th December last, I herewith transmit "such portions as have not heretofore been communicated of the instructions given to our ministers in France on the subject of claims for spoliations since September, 1800, and of the correspondence of said ministers with the French Government and with the Secretary of State of the United States on the same subject."

ANDREW JACKSON.

WASHINGTON, *January 22, 1833*.

To the Senate:

Having received on yesterday certified copies of the acts passed by the State of South Carolina to carry into effect her ordinance of nullification, which were referred to in my message of the 16th instant to Congress, I now transmit them.

As but one copy of these acts was sent to me, I am prevented from communicating them by a joint message to the two Houses of Congress.

ANDREW JACKSON.

WASHINGTON, *January 23, 1833.*

The PRESIDENT OF THE SENATE:

A treaty of peace, friendship, and amity between the United States and the King of the Belgians having this day been concluded by the plenipotentiaries of the respective countries, I herewith transmit it to the Senate for its consideration.

ANDREW JACKSON.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES:

I transmit to the House of Representatives a report of the Secretary of State, with a list of appointments made by the Executive since the 13th of April, 1826, from members of Congress during their term of service and for twelve months thereafter, pursuant to the resolution of the said House of the 26th of December, 1832, which I referred to him, and which appointments are recorded in his office. I send likewise a list of similar appointments, also furnished by the Secretary of State and of record in his office, from the 3d of March, 1825, to the 13th of April, 1826.

ANDREW JACKSON.

JANUARY 23, 1833.

To the House of Representatives:

I send herewith a convention concluded on the 14th day of October last between the United States and His Majesty the King of the Two Sicilies. This treaty has been ratified by me agreeably to the Constitution, and the ratification will be dispatched to Naples without delay, when there is no doubt it will be ratified by His Sicilian Majesty.

The early communication of this treaty is deemed proper because it will be necessary to provide for the execution of the first article in order that our fellow-citizens may with as little delay as possible obtain the compensation stipulated for by this convention.

ANDREW JACKSON.

JANUARY 24, 1833.

WASHINGTON, *January 25, 1833.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES:

I transmit herewith, for the information of Congress, the report of the officer to whom was intrusted the inspection of the works for the improvement of the navigation of the Ohio and Mississippi rivers.

ANDREW JACKSON.

WASHINGTON, *January 29, 1833.*

To the House of Representatives:

I herewith transmit to the House of Representatives a report from the Postmaster-General, which I request may be considered as forming a part of my message of the 23d instant, in answer to the resolution calling for a list of all appointments made by the Executive since the 13th April, 1826, from the members of Congress during their term of service and for twelve months thereafter, etc.

ANDREW JACKSON.

WASHINGTON, *February 7, 1833*.

To the Senate and House of Representatives:

I transmit, for the consideration of Congress, a report from the Secretary of State, on the subject of our diplomatic intercourse with foreign nations.

ANDREW JACKSON.

WASHINGTON, *February 12, 1833*.

To the Senate:

In compliance with the resolution of the Senate requesting the President of the United States to lay before it "copies of the orders which have been given to the commanding officers of the military forces assembled in and near to the city of Charleston, S. C., and also copies of the orders which have been given to the commander of the naval forces assembled in the harbor of Charleston, particularly such orders, if any such have been given, to resist the constituted authorities of the State of South Carolina within the limits of said State," I transmit herewith papers, numbered from 1 to 17, inclusive, embracing the orders which have been given to the commanding officers of the land and naval forces assembled in and near the city of Charleston and within the limits of the State of South Carolina, and which relate to the military operations in that quarter. No order has at any time been given in any manner inconsistent therewith. There is a part, however, of the letter of the Secretary of War dated December 3, 1832, omitted, which, being conditional in its character, and not relating to the operation of the troops, it is deemed improper in the present state of the service to communicate.

No order has been at any time given "to resist" the constituted authorities of the State of South Carolina within the chartered limits of said State.

ANDREW JACKSON.

WASHINGTON, *February 12, 1833*.

To the Senate:

I transmit herewith to the Senate, for their advice and consent as to the ratification of the same, a treaty recently concluded between the commissioners for adjusting all differences with the Indians west of the Mississippi and the mixed band of Shawnese and Senecas who emigrated from Ohio. I transmit also the journal of their proceedings.

ANDREW JACKSON.

WASHINGTON, *February 15, 1833*.

To the Senate:

I transmit herewith to the Senate, for their advice and consent as to the ratification of the same, articles of agreement supplemental to the treaty of February 8, 1831, between the commissioner on the part of the United States and the Menominee tribe of Indians, with the assent of the New York Indians.

I transmit also the journal of proceedings.

ANDREW JACKSON.

WASHINGTON, *February 19, 1833*.

To the Senate:

The renomination of Samuel Gwin to be register of the land office at Mount Salus, in the State of Mississippi, having been on the 16th of July last laid upon the table of the Senate, with a resolution declaring that it was not the intention of the Senate to take any proceeding in regard to it during that session, a vacancy in the office was found existing in the recess, which the public service required to be filled, and which was filled by the appointment of Samuel Gwin. I therefore nominate the said Gwin to the same office.

In addition to the papers which were transmitted with his nomination at the last session, I have received others from the most respectable sources in the State of Mississippi, bearing the fullest testimony to his fitness for the office in question. Of this character are the two now inclosed, signed by members of the convention recently assembled to revise the constitution of the State, and also by many members of its present legislature. They also show that the appointment of Mr. Gwin would be acceptable to the great body of the people interested in the office.

ANDREW JACKSON.

WASHINGTON, *February 22, 1833*.

To the House of Representatives:

I transmit herewith, for the consideration of the House, a letter from General Lafayette to the Secretary of State, with the petition which came inclosed in it of the Countess d'Ambrugeac and Madame de la Gorée, granddaughter of Marshal Count Rochambeau, and original documents in support thereof, praying compensation for services rendered by the Count to the United States during the Revolutionary war, together with translations of the same; and I transmit with the same view the petition of Messrs. De Fontenille de Jeaumont and De Rossignol Grandmont, praying compensation for services rendered by them to the United States in the French army, and during the same war, with original papers in support thereof, all received through the same channel, together with translations of the same.

ANDREW JACKSON.

WASHINGTON, *February 22, 1833*.

To the Senate of the United States:

I transmit to the Senate, for its advice and consent as to the ratification of the same, a treaty of commerce and navigation between the United States and Russia, concluded and signed at St. Petersburg on the 18th of December, 1832, by the plenipotentiaries of the two parties, with an additional article to the same, concluded and signed on the same day, together with an extract from the dispatch of the minister of the United States at St. Petersburg to the Secretary of State, communicating the said treaty and additional article.

ANDREW JACKSON.

WASHINGTON, *February 26, 1833*.

To the Senate:

I transmit herewith, for the advice and consent of the Senate as to the ratification of the same, a treaty concluded with the Ottawa Indians residing on the Miami of Lake Erie on the 18th instant by the commissioners on the part of the United States.

ANDREW JACKSON.

WASHINGTON, *March 2, 1833*.

To the Senate:

I transmit herewith, for the consideration of the Senate, a report from the Secretary of State, in relation to the consular establishment of the United States.

ANDREW JACKSON.

WASHINGTON, *March 2, 1833*.

To the Senate:

I have made several nominations to offices located within the limits of the State of Mississippi which have not received the approbation of the Senate. Inferring that these nominations have been rejected in pursuance of a resolution adopted by the Senate on the 3d of February, 1831, "that it is inexpedient to appoint a citizen of one State to an office which may be vacated or become vacant in any other State of the Union within which such citizen does not reside, without some evident necessity for such appointment," and regarding that resolution, in effect, as an unconstitutional restraint upon the authority of the President in relation to appointments to office, I think it proper to inform the Senate that I shall feel it my duty to abstain from any further attempt to fill the offices in question.

ANDREW JACKSON.

The PRESIDENT OF THE SENATE:

In compliance with a resolution of the Senate passed the 1st instant, requesting "that the President inform the Senate, if not incompatible with the public interest, what negotiation has been had since the last session of Congress with Great Britain in relation to the northeastern boundary of the United States, and the progress and result thereof; also whether any arrangement, stipulation, or agreement has at any time been made between the Executive of the United States and the government of the State of Maine, or by commissioners or agents on the part of the United States and that State, having reference to any proposed transfer or relinquishment of their right of jurisdiction and territory belonging to that State, together with all documents, correspondence, and communications in relation thereto," I inform the Senate that overtures for opening a negotiation for the settlement of the boundary between the United States and the British provinces have been made to the Government of Great Britain since the last session, but that no definitive answer has yet been received to these propositions, and that a conditional arrangement has been made between commissioners appointed by me and others named by the governor of Maine, with the authority of its legislature, which can not take effect without the sanction of Congress and of the legislature aforesaid, and which will be communicated to them as soon as the contingency in which alone it was intended to operate shall happen. In the meantime it is not deemed compatible with the public interest that it should be communicated.

ANDREW JACKSON.

MARCH 2, 1833.

VETO MESSAGES.*

WASHINGTON, *December 6, 1832.*

To the Senate of the United States:

I avail myself of this early opportunity to return to the Senate, in which it originated, the bill entitled "An act providing for the final settlement of the claims of States for interest on advances to the United States made during the last war," with the reasons which induced me to withhold my approbation, in consequence of which it has failed to become a law.

This bill was presented to me for my signature on the last day of your session, and when I was compelled to consider a variety of other bills of greater urgency to the public service. It obviously embraced a principle in the allowance of interest different from that which had been sanctioned by the practice of the accounting officers or by the previous legislation of Congress in regard to the advances by the States, and without any apparent grounds for the change.

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* Pocket Vetoes.

Previously to giving my sanction to so great an extension of the practice of allowing interest upon accounts with the Government, and which in its consequences and from analogy might not only call for large payments from the Treasury, but disturb the great mass of individual accounts long since finally settled, I deemed it my duty to make a more thorough investigation of the subject than it was possible for me to do previously to the close of your last session. I adopted this course the more readily from the consideration that as the bill contained no appropriation the States which would have been entitled to claim its benefits could not have received them without the fuller legislation of Congress.

The principle which this bill authorizes varies not only from the practice uniformly adopted by many of the accounting officers in the case of individual accounts and in those of the States finally settled and closed previously to your last session, but also from that pursued under the act of your last session for the adjustment and settlement of the claims of the State of South Carolina. This last act prescribed no particular mode for the allowance of interest, which, therefore, in conformity with the directions of Congress in previous cases and with the uniform practice of the Auditor by whom the account was settled, was computed on the sums expended by the State of South Carolina for the use and benefit of the United States, and which had been repaid to the State; and the payments made by the United States were deducted from the principal sums, exclusive of the interest, thereby stopping future interest on so much of the principal as had been reimbursed by the payment.

I deem it proper, moreover, to observe that both under the act of the 5th of August, 1790, and that of the 12th of February, 1793, authorizing the settlement of the accounts between the United States and the individual States arising out of the war of the Revolution, the interest on those accounts was computed in conformity with the practice already adverted to, and from which the bill now returned is a departure.

With these reasons and considerations I return the bill to the Senate.

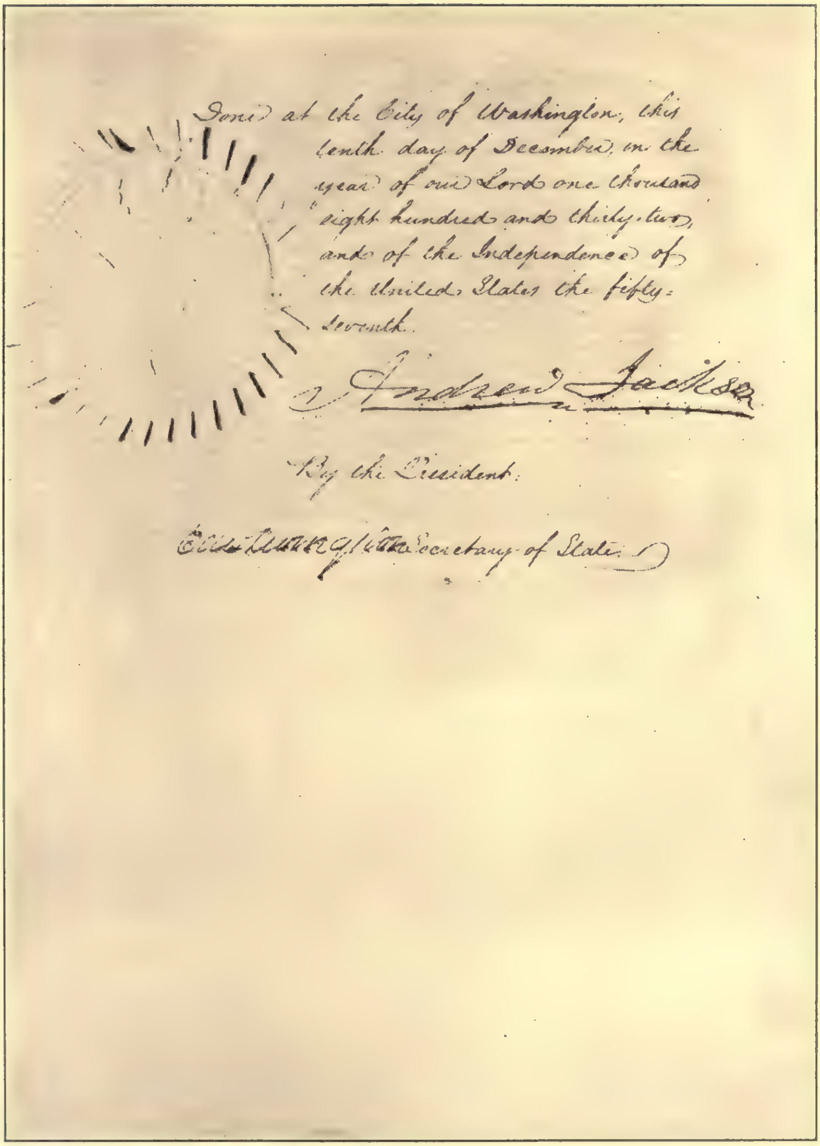
ANDREW JACKSON.

DECEMBER 6, 1832.

To the House of Representatives:

In addition to the general views I have heretofore expressed to Congress on the subject of internal improvement, it is my duty to advert to it again in stating my objections to the bill entitled "An act for the improvement of certain harbors and the navigation of certain rivers," which was not received a sufficient time before the close of the last session to enable me to examine it before the adjournment.

Having maturely considered that bill within the time allowed me by the Constitution, and being convinced that some of its provisions



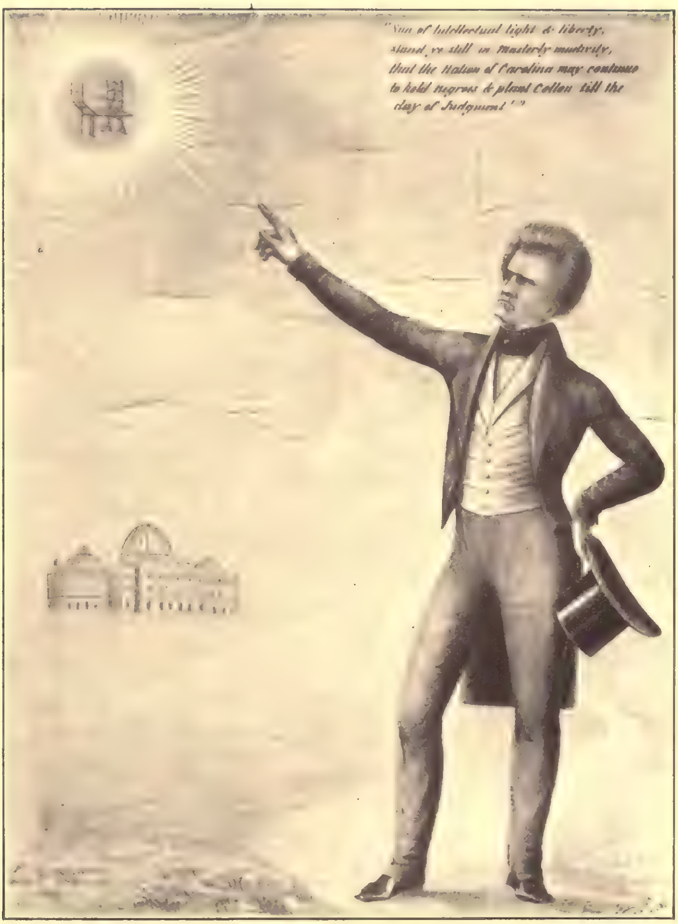
Done at the City of Washington, this tenth day of December, in the year of our Lord one thousand eight hundred and thirty-two, and of the Independence of the United States the fifty-seventh.

Andrew Jackson

By the President:

Edw. Livingston Secretary of State.

SIGNATURES OF JACKSON AND EDWARD LIVINGSTON TO A STATE DOCUMENT.


"Sun of Intellectual light & liberty,
stand, ye still in masterly inactivity,
that the Nation of Carolina may continue
to hold negroes & plant Cotton till the
day of Judgment!'"

JOSHUA COMMANDING THE SUN TO STAND STILL conflict with the rule adopted for my guide on this subject of legislation, I have been compelled to withhold from it my signature, and it has therefore failed to become a law.

To facilitate as far as I can the intelligent action of Congress upon the subjects embraced in this bill, I transmit herewith a report from the Engineer Department, distinguishing, as far as the information within its possession would enable it, between those appropriations which do and those which do not conflict with the rules by which my conduct in this respect has hitherto been governed. By that report it will be seen that there is a class of appropriations in the bill for the improvement of streams that are not navigable, that are not channels of commerce, and that do not pertain to the harbors or ports of entry designated by law, or have any ascertained connection with the usual establishments for the security of commerce, external or internal.

It is obvious that such appropriations involve the sanction of a principle that concedes to the General Government an unlimited power over the subject of internal improvements, and that I could not, therefore, approve a bill containing them without receding from the positions taken in my veto of the Maysville road bill, and afterwards in my annual message of December 6, 1830.

It is to be regretted that the rules by which the classification of the improvements in this bill has been made by the Engineer Department are not more definite and certain, and that embarrassments may not always be avoided by the observance of them, but as neither my own reflection nor the lights derived from other sources have furnished me with a better guide, I shall continue to apply my best exertions to their application and enforcement. In thus employing my best faculties to exercise the power with which I am invested to avoid evils and to effect the greatest attainable good for our common country I feel that I may trust to your cordial cooperation, and the experience of the past leaves me no room to doubt the liberal indulgence and favorable consideration of those for whom we act.

The grounds upon which I have given my assent to appropriations for the construction of light-houses, beacons, buoys, public piers, and the removal of sand bars, sawyers, and other temporary or partial impediments in our navigable rivers and harbors, and with which many of the provisions of this bill correspond, have been so fully stated that I trust a repetition of them is unnecessary. Had there been incorporated in the bill no provisions for works of a different description, depending on principles which extend the power of making appropriations to every object which the discretion of the Government may select, and losing sight of the distinctions between national and local character which I had stated would be my future guide on the subject, I should have cheerfully signed the bill.

ANDREW JACKSON.

PROCLAMATION.

BY ANDREW JACKSON, PRESIDENT OF THE UNITED STATES.

Whereas a convention assembled in the State of South Carolina have passed an ordinance by which they declare "that the several acts and parts of acts of the Congress of the United States purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, and now having actual operation and effect within the United States, and more especially" two acts for the same purposes passed on the 29th of May, 1828, and on the 14th of July, 1832, "are unauthorized by the Constitution of the United States, and violate the true meaning and intent thereof, and are null and void and no law," nor binding on the citizens of that State or its officers; and by the said ordinance it is further declared to be unlawful for any of the constituted authorities of the State or of the United States to enforce the payment of the duties imposed by the said acts within the same State, and that it is the duty of the legislature to pass such laws as may be necessary to give full effect to the said ordinance; and

Whereas by the said ordinance it is further ordained that in no case of law or equity decided in the courts of said State wherein shall be drawn in question the validity of the said ordinance, or of the acts of the legislature that may be passed to give it effect, or of the said laws of the United States, no appeal shall be allowed to the Supreme Court of the United States, nor shall any copy of the record be permitted or allowed for that purpose, and that any person attempting to take such appeal shall be punished as for contempt of court; and, finally, the said ordinance declares that the people of South Carolina will maintain the said ordinance at every hazard, and that they will consider the passage of any act by Congress abolishing or closing the ports of the said State or otherwise obstructing the free ingress or egress of vessels to and from the said ports, or any other act of the Federal Government to coerce the State, shut up her ports, destroy or harass her commerce, or to enforce the said acts otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union, and that the people of the said State will thenceforth hold themselves absolved from all further obligation to maintain or preserve their political connection with the people of the other States, and will forthwith proceed to organize a separate government and do all other acts and things which sovereign and independent states may of right do; and

Whereas the said ordinance prescribes to the people of South Carolina a course of conduct in direct violation of their duty as citizens of the United States, contrary to the laws of their country, subversive of its Constitution, and having for its object the destruction of the Union—

that Union which, coeval with our political existence, led our fathers, without any other ties to unite them than those of patriotism and a common cause, through a sanguinary struggle to a glorious independence; that sacred Union, hitherto inviolate, which, perfected by our happy Constitution, has brought us, by the favor of Heaven, to a state of prosperity at home and high consideration abroad rarely, if ever, equaled in the history of nations:

To preserve this bond of our political existence from destruction, to maintain inviolate this state of national honor and prosperity, and to justify the confidence my fellow-citizens have reposed in me, I, Andrew Jackson, President of the United States, have thought proper to issue this my proclamation, stating my views of the Constitution and laws applicable to the measures adopted by the convention of South Carolina and to the reasons they have put forth to sustain them, declaring the course which duty will require me to pursue, and, appealing to the understanding and patriotism of the people, warn them of the consequences that must inevitably result from an observance of the dictates of the convention.

Strict duty would require of me nothing more than the exercise of those powers with which I am now or may hereafter be invested for preserving the peace of the Union and for the execution of the laws; but the imposing aspect which opposition has assumed in this case, by clothing itself with State authority, and the deep interest which the people of the United States must all feel in preventing a resort to stronger measures while there is a hope that anything will be yielded to reasoning and remonstrance, perhaps demand, and will certainly justify, a full exposition to South Carolina and the nation of the views I entertain of this important question, as well as a distinct enunciation of the course which my sense of duty will require me to pursue.

The ordinance is founded, not on the indefeasible right of resisting acts which are plainly unconstitutional and too oppressive to be endured, but on the strange position that any one State may not only declare an act of Congress void, but prohibit its execution; that they may do this consistently with the Constitution; that the true construction of that instrument permits a State to retain its place in the Union and yet be bound by no other of its laws than those it may choose to consider as constitutional. It is true, they add, that to justify this abrogation of a law it must be palpably contrary to the Constitution; but it is evident that to give the right of resisting laws of that description, coupled with the uncontrolled right to decide what laws deserve that character, is to give the power of resisting all laws; for as by the theory there is no appeal, the reasons alleged by the State, good or bad, must prevail. If it should be said that public opinion is a sufficient check against the abuse of this power, it may be asked why it is not deemed a sufficient guard against the passage of an unconstitutional act by Congress? There is, however, a restraint in this last case which makes the assumed power of a State more indefensible, and which does not exist in the other. There are two appeals from an unconstitutional act passed by Congress—one to the judiciary, the other to the people and the States. There is no appeal from the State decision in theory, and the practical illustration shows that the courts are closed against an application to review it, both judges and jurors being sworn to decide in its favor. But reasoning on this subject is superfluous when our social compact, in express terms, declares that the laws of the United States, its Constitution, and treaties made under it are the supreme law of the land, and, for greater caution, adds "that the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding." And it may be asserted without fear of refutation that no federative government could exist without a similar provision. Look for a moment to the consequence. If South Carolina considers the revenue laws unconstitutional and has a right to prevent their execution in the port of Charleston, there would be a clear constitutional objection to their collection in every other port; and no revenue could be collected anywhere, for all imposts must be equal. It is no answer to repeat that an unconstitutional law is no law so long as the question of its legality is to be decided by the State itself, for every law operating injuriously upon any local interest will be perhaps thought, and certainly represented, as unconstitutional, and, as has been shown, there is no appeal.

If this doctrine had been established at an earlier day, the Union would have been dissolved in its infancy. The excise law in Pennsylvania, the embargo and nonintercourse law in the Eastern States, the carriage tax in Virginia, were all deemed unconstitutional, and were more unequal in their operation than any of the laws now complained of; but, fortunately, none of those States discovered that they had the right now claimed by South Carolina. The war into which we were forced to support the dignity of the nation and the rights of our citizens might have ended in defeat and disgrace, instead of victory and honor, if the States who supposed it a ruinous and unconstitutional measure had thought they possessed the right of nullifying the act by which it was declared and denying supplies for its prosecution. Hardly and unequally as those measures bore upon several members of the Union, to the legislatures of none did this efficient and peaceable remedy, as it is called, suggest itself. The discovery of this important feature in our Constitution was reserved to the present day. To the statesmen of South Carolina belongs the invention, and upon the citizens of that State will unfortunately fall the evils of reducing it to practice.

If the doctrine of a State veto upon the laws of the Union carries with it internal evidence of its impracticable absurdity, our constitutional history will also afford abundant proof that it would have been repudiated with indignation had it been proposed to form a feature in our Government.

In our colonial state, although dependent on another power, we very early considered ourselves as connected by common interest with each other. Leagues were formed for common defense, and before the declaration of independence we were known in our aggregate character as *the United Colonies of America*. That decisive and important step was taken jointly. We declared ourselves a nation by a joint, not by several acts, and when the terms of our Confederation were reduced to form it was in that of a solemn league of several States, by which they agreed that they would collectively form one nation for the purpose of conducting some certain domestic concerns and all foreign relations. In the instrument forming that Union is found an article which declares that "every State shall abide by the determinations of Congress on all questions which by that Confederation should be submitted to them."

Under the Confederation, then, no State could legally annul a decision of the Congress or refuse to submit to its execution; but no provision was made to enforce these decisions. Congress made requisitions, but they were not complied with. The Government could not operate on individuals. They had no judiciary, no means of collecting revenue.

But the defects of the Confederation need not be detailed. Under its operation we could scarcely be called a nation. We had neither prosperity at home nor consideration abroad. This state of things could not be endured, and our present happy Constitution was formed, but formed in vain if this fatal doctrine prevails. It was formed for important objects that are announced in the preamble, made in the name and by the authority of the people of the United States, whose delegates framed and whose conventions approved it. The most important among these objects—that which is placed first in rank, on which all the others rest—is "*to form a more perfect union.*" Now, is it possible that even if there were no express provision giving supremacy to the Constitution and laws of the United States over those of the States, can it be conceived that an instrument made for the purpose of "*forming a more perfect union*" than that of the Confederation could be so constructed by the assembled wisdom of our country as to substitute for that Confederation a form of government dependent for its existence on the local interest, the party spirit, of a State, or of a prevailing faction in a State? Every man of plain, unsophisticated understanding who hears the question will give such an answer as will preserve the Union. Metaphysical subtlety, in pursuit of an impracticable theory, could alone have devised one that is calculated to destroy it.

I consider, then, the power to annul a law of the United States, assumed by one State, *incompatible with the existence of the Union*, *contradicted expressly by the letter of the Constitution*, *unauthorized by its spirit*, *inconsistent with every principle on which it was founded*, *and destructive of the great object for which it was formed.*

After this general view of the leading principle, we must examine the particular application of it which is made in the ordinance.

The preamble rests its justification on these grounds: It assumes as a fact that the obnoxious laws, although they purport to be laws for raising revenue, were in reality intended for the protection of manufactures, which purpose it asserts to be unconstitutional; that the operation of these laws is unequal; that the amount raised by them is greater than is required by the wants of the Government; and, finally, that the proceeds are to be applied to objects unauthorized by the Constitution. These are the only causes alleged to justify an open opposition to the laws of the country and a threat of seceding from the Union if any attempt should be made to enforce them. The first virtually acknowledges that the law in question was passed under a power expressly given by the Constitution to lay and collect imposts; but its constitutionality is drawn in question from the *motives* of those who passed it. However apparent this purpose may be in the present case, nothing can be more dangerous than to admit the position that an unconstitutional purpose entertained by the members who assent to a law enacted under a constitutional power shall make that law void. For how is that purpose to be ascertained? Who is to make the scrutiny? How often may bad purposes be falsely imputed, in how many cases are they concealed by false professions, in how many is no declaration of motive made? Admit this doctrine, and you give to the States an uncontrolled right to decide, and every law may be annulled under this pretext. If, therefore, the absurd and dangerous doctrine should be admitted that a State may annul an unconstitutional law, or one that it deems such, it will not apply to the present case.

The next objection is that the laws in question operate unequally. This objection may be made with truth to every law that has been or can be passed. The wisdom of man never yet contrived a system of taxation that would operate with perfect equality. If the unequal operation of a law makes it unconstitutional, and if all laws of that description may be abrogated by any State for that cause, then, indeed, is the Federal Constitution unworthy of the slightest effort for its preservation. We have hitherto relied on it as the perpetual bond of our Union; we have received it as the work of the assembled wisdom of the nation; we have trusted to it as to the sheet anchor of our safety in the stormy times of conflict with a foreign or domestic foe; we have looked to it with sacred awe as the palladium of our liberties, and with all the solemnities of religion have pledged to each other our lives and fortunes here and our hopes of happiness hereafter in its defense and support. Were we mistaken, my countrymen, in attaching this importance to the Constitution of our country? Was our devotion paid to the wretched, inefficient, clumsy contrivance which this new doctrine would make it? Did we pledge ourselves to the support of an airy nothing—a bubble that must be blown away by the first breath of disaffection? Was this self-destroying, visionary theory the work of the profound statesmen, the exalted patriots, to whom the task of constitutional reform was intrusted? Did the name of Washington sanction, did the States deliberately ratify, such an anomaly in the history of fundamental legislation? No; we were not mistaken. The letter of this great instrument is free from this radical fault. Its language directly contradicts the imputation; its spirit, its evident intent, contradicts it. No; we did not err. Our Constitution does not contain the absurdity of giving power to make laws and another to resist them. The sages whose memory will always be reverenced have given us a practical and, as they hoped, a permanent constitutional compact. The Father of his Country did not affix his revered name to so palpable an absurdity. Nor did the States, when they severally ratified it, do so under the impression that a veto on the laws of the United States was reserved to them or that they could exercise it by implication. Search the debates in all their conventions, examine the speeches of the most zealous opposers of Federal authority, look at the amendments that were proposed; they are all silent—not a syllable uttered, not a vote given, not a motion made to correct the explicit supremacy given to the laws of the Union over those of the States, or to show that implication, as is now contended, could defeat it. No; we have not erred. The Constitution is still the object of our reverence, the bond of our Union, our defense in danger, the source of our prosperity in peace. It shall descend, as we have received it, uncorrupted by sophistical construction, to our posterity; and the sacrifices of local interest, of State prejudices, of personal animosities, that were made to bring it into existence, will again be patriotically offered for its support.

The two remaining objections made by the ordinance to these laws are that the sums intended to be raised by them are greater than are required and that the proceeds will be unconstitutionally employed.

The Constitution has given, expressly, to Congress the right of raising revenue and of determining the sum the public exigencies will require. The States have no control over the exercise of this right other than that which results from the power of changing the representatives who abuse it, and thus procure redress. Congress may undoubtedly abuse this discretionary power; but the same may be said of others with which they are vested. Yet the discretion must exist somewhere. The Constitution has given it to the representatives of all the people, checked by the representatives of the States and by the Executive power. The South Carolina construction gives it to the legislature or the convention of a single State, where neither the people of the different States, nor the States in their separate capacity, nor the Chief Magistrate elected by the people have any representation. Which is the most discreet disposition of the power? I do not ask you, fellow-citizens, which is the constitutional disposition; that instrument speaks a language not to be misunderstood. But if you were assembled in general convention, which would you think the safest depository of this discretionary power in the last resort? Would you add a clause giving it to each of the States, or would you sanction the wise provisions already made by your Constitution? If this should be the result of your deliberations when providing for the future, are you, can you, be ready to risk all that we hold dear, to establish, for a temporary and a local purpose, that which you must acknowledge to be destructive, and even absurd, as a general provision? Carry out the consequences of this right vested in the different States, and you must perceive that the crisis your conduct presents at this day would recur whenever any law of the United States displeased any of the States, and that we should soon cease to be a nation.

The ordinance, with the same knowledge of the future that characterizes a former objection, tells you that the proceeds of the tax will be unconstitutionally applied. If this could be ascertained with certainty, the objection would with more propriety be reserved for the law so applying the proceeds, but surely can not be urged against the laws levying the duty.

These are the allegations contained in the ordinance. Examine them seriously, my fellow-citizens; judge for yourselves. I appeal to you to determine whether they are so clear, so convincing, as to leave no doubt of their correctness; and even if you should come to this conclusion, how far they justify the reckless, destructive course which you are directed to pursue. Review these objections and the conclusions drawn from them once more. What are they? Every law, then, for raising revenue, according to the South Carolina ordinance, may be rightfully annulled, unless it be so framed as no law ever will or can be framed. Congress have a right to pass laws for raising revenue and each State have a right to oppose their execution—two rights directly opposed to each other; and yet is this absurdity supposed to be contained in an instrument drawn for the express purpose of avoiding collisions between the States and the General Government by an assembly of the most enlightened statesmen and purest patriots ever embodied for a similar purpose.

In vain have these sages declared that Congress shall have power to lay and collect taxes, duties, imposts, and excises; in vain have they provided that they shall have power to pass laws which shall be necessary and proper to carry those powers into execution, that those laws and that Constitution shall be the "supreme law of the land, and that the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding;" in vain have the people of the several States solemnly sanctioned these provisions, made them their paramount law, and individually sworn to support them whenever they were called on to execute any office. Vain provisions! ineffectual restrictions! vile profanation of oaths! miserable mockery of legislation! if a bare majority of the voters in any one State may, on a real or supposed knowledge of the intent with which a law has been passed, declare themselves free from its operation; say, here it gives too little, there, too much, and operates unequally; here it suffers articles to be free that ought to be taxed; there it taxes those that ought to be free; in this case the proceeds are intended to be applied to purposes which we do not approve; in that, the amount raised is more than is wanted. Congress, it is true, are invested by the Constitution with the right of deciding these questions according to their sound discretion. Congress is composed of the representatives of all the States and of all the people of all the States. But *we*, part of the people of one State, to whom the Constitution has given no power on the subject, from whom it has expressly taken it away; *we*, who have solemnly agreed that this Constitution shall be our law; *we*, most of whom have sworn to support it—*we* now abrogate this law and swear, and force others to swear, that it shall not be obeyed; and we do this not because Congress have no right to pass such laws—this we do not allege—but because they have passed them with improper views. They are unconstitutional from the motives of those who passed them, which we can never with certainty know; from their unequal operation, although it is impossible, from the nature of things, that they should be equal; and from the disposition which we presume may be made of their proceeds, although that disposition has not been declared. This is the plain meaning of the ordinance in relation to laws which it abrogates for alleged unconstitutionality. But it does not stop there. It repeals in express terms an important part of the Constitution itself and of laws passed to give it effect, which have never been alleged to be unconstitutional.

The Constitution declares that the judicial powers of the United States extend to cases arising under the laws of the United States, and that such laws, the Constitution, and treaties shall be paramount to the State constitutions and laws. The judiciary act prescribes the mode by which the case may be brought before a court of the United States by appeal when a State tribunal shall decide against this provision of the Constitution. The ordinance declares there shall be no appeal—makes the State law paramount to the Constitution and laws of the United States, forces judges and jurors to swear that they will disregard their provisions, and even makes it penal in a suitor to attempt relief by appeal. It further declares that it shall not be lawful for the authorities of the United States or of that State to enforce the payment of duties imposed by the revenue laws within its limits.

Here is a law of the United States, not even pretended to be unconstitutional, repealed by the authority of a small majority of the voters of a single State. Here is a provision of the Constitution which is solemnly abrogated by the same authority.

On such expositions and reasonings the ordinance grounds not only an assertion of the right to annul the laws of which it complains, but to enforce it by a threat of seceding from the Union if any attempt is made to execute them.

This right to secede is deduced from the nature of the Constitution, which, they say, is a compact between sovereign States who have preserved their whole sovereignty and therefore are subject to no superior; that because they made the compact they can break it when in their opinion it has been departed from by the other States. Fallacious as this course of reasoning is, it enlists State pride and finds advocates in the honest prejudices of those who have not studied the nature of our Government sufficiently to see the radical error on which it rests.

The people of the United States formed the Constitution, acting through the State legislatures in making the compact, to meet and discuss its provisions, and acting in separate conventions when they ratified those provisions; but the terms used in its construction show it to be a Government in which the people of all the States, collectively, are represented. We are *one people* in the choice of President and Vice-President. Here the States have no other agency than to direct the mode in which the votes shall be given. The candidates having the majority of all the votes are chosen. The electors of a majority of States may have given their votes for one candidate, and yet another may be chosen. The people, then, and not the States, are represented in the executive branch.

In the House of Representatives there is this difference, that the people of one State do not, as in the case of President and Vice-President, all vote for the same officers. The people of all the States do not vote for all the members, each State electing only its own representatives. But this creates no material distinction. When chosen, they are all representatives of the United States, not representatives of the particular State from which they come. They are paid by the United States, not by the State; nor are they accountable to it for any act done in the performance of their legislative functions; and however they may in practice, as it is their duty to do, consult and prefer the interests of their particular constituents when they come in conflict with any other partial or local interest, yet it is their first and highest duty, as representatives of the United States, to promote the general good.

The Constitution of the United States, then, forms a *government*, not a league; and whether it be formed by compact between the States or in any other manner, its character is the same. It is a Government in which all the people are represented, which operates directly on the people individually, not upon the States; they retained all the power they did not grant. But each State, having expressly parted with so many powers as to constitute, jointly with the other States, a single nation, can not, from that period, possess any right to secede, because such secession does not break a league, but destroys the unity of a nation; and any injury to that unity is not only a breach which would result from the contravention of a compact, but it is an offense against the whole Union. To say that any State may at pleasure secede from the Union is to say that the United States are not a nation, because it would be a solecism to contend that any part of a nation might dissolve its connection with the other parts, to their injury or ruin, without committing any offense. Secession, like any other revolutionary act, may be morally justified by the extremity of oppression; but to call it a constitutional right is confounding the meaning of terms, and can only be done through gross error or to deceive those who are willing to assert a right, but would pause before they made a revolution or incur the penalties consequent on a failure.

Because the Union was formed by a compact, it is said the parties to that compact may, when they feel themselves aggrieved, depart from it; but it is precisely because it is a compact that they can not. A compact is an agreement or binding obligation. It may by its terms have a sanction or penalty for its breach, or it may not. If it contains no sanction, it may be broken with no other consequence than moral guilt; if it have a sanction, then the breach incurs the designated or implied penalty. A league between independent nations generally has no sanction other than a moral one; or if it should contain a penalty, as there is no common superior it can not be enforced. A government, on the contrary, always has a sanction, express or implied; and in our case it is both necessarily implied and expressly given. An attempt, by force of arms, to destroy a government is an offense, by whatever means the constitutional compact may have been formed; and such government has the right by the law of self-defense to pass acts for punishing the offender, unless that right is modified, restrained, or resumed by the constitutional act. In our system, although it is modified in the case of treason, yet authority is expressly given to pass all laws necessary to carry its powers into effect, and under this grant provision has been made for punishing acts which obstruct the due administration of the laws.

It would seem superfluous to add anything to show the nature of that union which connects us, but as erroneous opinions on this subject are the foundation of doctrines the most destructive to our peace, I must give some further development to my views on this subject. No one, fellow-citizens, has a higher reverence for the reserved rights of the States than the Magistrate who now addresses you. No one would make greater personal sacrifices or official exertions to defend them from violation; but equal care must be taken to prevent, on their part, an improper interference with or resumption of the rights they have vested in the nation. The line has not been so distinctly drawn as to avoid doubts in some cases of the exercise of power. Men of the best intentions and soundest views may differ in their construction of some parts of the Constitution; but there are others on which dispassionate reflection can leave no doubt. Of this nature appears to be the assumed right of secession. It rests, as we have seen, on the alleged undivided sovereignty of the States and on their having formed in this sovereign capacity a compact which is called the Constitution, from which, because they made it, they have the right to secede. Both of these positions are erroneous, and some of the arguments to prove them so have been anticipated.

The States severally have not retained their entire sovereignty. It has been shown that in becoming parts of a nation, not members of a league, they surrendered many of their essential parts of sovereignty. The right to make treaties, declare war, levy taxes, exercise exclusive judicial and legislative powers, were all of them functions of sovereign power. The States, then, for all these important purposes were no longer sovereign. The allegiance of their citizens was transferred, in the first instance, to the Government of the United States; they became American citizens and owed obedience to the Constitution of the United States and to laws made in conformity with the powers it vested in Congress. This last position has not been and can not be denied. How, then, can that State be said to be sovereign and independent whose citizens owe obedience to laws not made by it and whose magistrates are sworn to disregard those laws when they come in conflict with those passed by another? What shows conclusively that the States can not be said to have reserved an undivided sovereignty is that they expressly ceded the right to punish treason—not treason against their separate power, but treason against the United States. Treason is an offense against *sovereignty*, and sovereignty must reside with the power to punish it. But the reserved rights of the States are not less sacred because they have, for their common interest, made the General Government the depository of these powers. The unity of our political character (as has been shown for another purpose) commenced with its very existence. Under the royal Government we had no separate character; our opposition to its oppressions began as *united colonies.* We were the *United States* under the Confederation, and the name was perpetuated and the Union rendered more perfect by the Federal Constitution. In none of these stages did we consider ourselves in any other light than as forming one nation. Treaties and alliances were made in the name of all. Troops were raised for the joint defense. How, then, with all these proofs that under all changes of our position we had, for designated purposes and with defined powers, created national governments, how is it that the most perfect of those several modes of union should now be considered as a mere league that may be dissolved at pleasure? It is from an abuse of terms. Compact is used as synonymous with league, although the true term is not employed, because it would at once show the fallacy of the reasoning. It would not do to say that our Constitution was only a league, but it is labored to prove it a compact (which in one sense it is) and then to argue that as a league is a compact every compact between nations must of course be a league, and that from such an engagement every sovereign power has a right to recede. But it has been shown that in this sense the States are not sovereign, and that even if they were, and the national Constitution had been formed by compact, there would be no right in any one State to exonerate itself from its obligations.

So obvious are the reasons which forbid this secession that it is necessary only to allude to them. The Union was formed for the benefit of all. It was produced by mutual sacrifices of interests and opinions. Can those sacrifices be recalled? Can the States who magnanimously surrendered their title to the territories of the West recall the grant? Will the inhabitants of the inland States agree to pay the duties that may be imposed without their assent by those on the Atlantic or the Gulf for their own benefit? Shall there be a free port in one State and onerous duties in another? No one believes that any right exists in a single State to involve all the others in these and countless other evils contrary to engagements solemnly made. Everyone must see that the other States, in self-defense, must oppose it at all hazards.

These are the alternatives that are presented by the convention—a repeal of all the acts for raising revenue, leaving the Government without the means of support, or an acquiescence in the dissolution of our Union by the secession of one of its members. When the first was proposed, it was known that it could not be listened to for a moment. It was known, if force was applied to oppose the execution of the laws, that it must be repelled by force; that Congress could not, without involving itself in disgrace and the country in ruin, accede to the proposition; and yet if this is not done in a given day, or if any attempt is made to execute the laws, the State is by the ordinance declared to be out of the Union. The majority of a convention assembled for the purpose have dictated these terms, or rather this rejection of all terms, in the name of the people of South Carolina. It is true that the governor of the State speaks of the submission of their grievances to a convention of all the States, which, he says, they "sincerely and anxiously seek and desire." Yet this obvious and constitutional mode of obtaining the sense of the other States on the construction of the federal compact, and amending it if necessary, has never been attempted by those who have urged the State on to this destructive measure. The State might have proposed the call for a general convention to the other States, and Congress, if a sufficient number of them concurred, must have called it. But the first magistrate of South Carolina, when he expressed a hope that "on a review by Congress and the functionaries of the General Government of the merits of the controversy" such a convention will be accorded to them, must have known that neither Congress nor any functionary of the General Government has authority to call such a convention unless it be demanded by two-thirds of the States. This suggestion, then, is another instance of the reckless inattention to the provisions of the Constitution with which this crisis has been madly hurried on, or of the attempt to persuade the people that a constitutional remedy had been sought and refused. If the legislature of South Carolina "anxiously desire" a general convention to consider their complaints, why have they not made application for it in the way the Constitution points out?

The assertion that they "earnestly seek" it is completely negatived by the omission.

This, then, is the position in which we stand: A small majority of the citizens of one State in the Union have elected delegates to a State convention; that convention has ordained that all the revenue laws of the United States must be repealed, or that they are no longer a member of the Union. The governor of that State has recommended to the legislature the raising of an army to carry the secession into effect, and that he may be empowered to give clearances to vessels in the name of the State. No act of violent opposition to the laws has yet been committed, but such a state of things is hourly apprehended. And it is the intent of this instrument to *proclaim*, not only that the duty imposed on me by the Constitution "to take care that the laws be faithfully executed" shall be performed to the extent of the powers already vested in me by law, or of such others as the wisdom of Congress shall devise and intrust to me for that purpose, but to warn the citizens of South Carolina who have been deluded into an opposition to the laws of the danger they will incur by obedience to the illegal and disorganizing ordinance of the convention; to exhort those who have refused to support it to persevere in their determination to uphold the Constitution and laws of their country; and to point out to all the perilous situation into which the good people of that State have been led, and that the course they are urged to pursue is one of ruin and disgrace to the very State whose rights they affect to support.

Fellow-citizens of my native State, let me not only admonish you, as the First Magistrate of our common country, not to incur the penalty of its laws, but use the influence that a father would over his children whom he saw rushing to certain ruin. In that paternal language, with that paternal feeling, let me tell you, my countrymen, that you are deluded by men who are either deceived themselves or wish to deceive you. Mark under what pretenses you have been led on to the brink of insurrection and treason on which you stand. First, a diminution of the value of your staple commodity, lowered by overproduction in other quarters, and the consequent diminution in the value of your lands were the sole effect of the tariff laws. The effect of those laws was confessedly injurious, but the evil was greatly exaggerated by the unfounded theory you were taught to believe—that its burthens were in proportion to your exports, not to your consumption of imported articles. Your pride was roused by the assertion that a submission to those laws was a state of vassalage and that resistance to them was equal in patriotic merit to the opposition our fathers offered to the oppressive laws of Great Britain. You were told that this opposition might be peaceably, might be constitutionally, made; that you might enjoy all the advantages of the Union and bear none of its burthens. Eloquent appeals to your passions, to your State pride, to your native courage, to your sense of real injury, were used to prepare you for the period when the mask which concealed the hideous features of *disunion* should be taken off. It fell, and you were made to look with complacency on objects which not long since you would have regarded with horror. Look back to the arts which have brought you to this state; look forward to the consequences to which it must inevitably lead! Look back to what was first told you as an inducement to enter into this dangerous course. The great political truth was repeated to you that you had the revolutionary right of resisting all laws that were palpably unconstitutional and intolerably oppressive. It was added that the right to nullify a law rested on the same principle, but that it was a peaceable remedy. This character which was given to it made you receive with too much confidence the assertions that were made of the unconstitutionality of the law and its oppressive effects. Mark, my fellow-citizens, that by the admission of your leaders the unconstitutionality must be *palpable*, or it will not justify either resistance or nullification. What is the meaning of the word *palpable* in the sense in which it is here used? That which is apparent to everyone; that which no man of ordinary intellect will fail to perceive. Is the unconstitutionality of these laws of that description? Let those among your leaders who once approved and advocated the principle of protective duties answer the question; and let them choose whether they will be considered as incapable then of perceiving that which must have been apparent to every man of common understanding, or as imposing upon your confidence and endeavoring to mislead you now. In either case they are unsafe guides in the perilous path they urge you to tread. Ponder well on this circumstance, and you will know how to appreciate the exaggerated language they address to you. They are not champions of liberty, emulating the fame of our Revolutionary fathers, nor are you an oppressed people, contending, as they repeat to you, against worse than colonial vassalage. You are free members of a flourishing and happy Union. There is no settled design to oppress you. You have indeed felt the unequal operation of laws which may have been unwisely, not unconstitutionally, passed; but that inequality must necessarily be removed. At the very moment when you were madly urged on to the unfortunate course you have begun a change in public opinion had commenced. The nearly approaching payment of the public debt and the consequent necessity of a diminution of duties had already produced a considerable reduction, and that, too, on some articles of general consumption in your State. The importance of this change was underrated, and you were authoritatively told that no further alleviation of your burthens was to be expected at the very time when the condition of the country imperiously demanded such a modification of the duties as should reduce them to a just and equitable scale. But, as if apprehensive of the effect of this change in allaying your discontents, you were precipitated into the fearful state in which you now find yourselves.

I have urged you to look back to the means that were used to hurry you on to the position you have now assumed and forward to the consequences it will produce. Something more is necessary. Contemplate the condition of that country of which you still form an important part. Consider its Government, uniting in one bond of common interest and general protection so many different States, giving to all their inhabitants the proud title of *American citizen*, protecting their commerce, securing their literature and their arts, facilitating their intercommunication, defending their frontiers, and making their name respected in the remotest parts of the earth. Consider the extent of its territory, its increasing and happy population, its advance in arts which render life agreeable, and the sciences which elevate the mind! See education spreading the lights of religion, morality, and general information into every cottage in this wide extent of our Territories and States. Behold it as the asylum where the wretched and the oppressed find a refuge and support. Look on this picture of happiness and honor and say, *We too are citizens of America.* Carolina is one of these proud States; her arms have defended, her best blood has cemented, this happy Union. And then add, if you can, without horror and remorse, This happy Union we will dissolve; this picture of peace and prosperity we will deface; this free intercourse we will interrupt; these fertile fields we will deluge with blood; the protection of that glorious flag we renounce; the very name of Americans we discard. And for what, mistaken men? For what do you throw away these inestimable blessings? For what would you exchange your share in the advantages and honor of the Union? For the dream of a separate independence—a dream interrupted by bloody conflicts with your neighbors and a vile dependence on a foreign power. If your leaders could succeed in establishing a separation, what would be your situation? Are you united at home? Are you free from the apprehension of civil discord, with all its fearful consequences? Do our neighboring republics, every day suffering some new revolution or contending with some new insurrection, do they excite your envy? But the dictates of a high duty oblige me solemnly to announce that you can not succeed. The laws of the United States must be executed. I have no discretionary power on the subject; my duty is emphatically pronounced in the Constitution. Those who told you that you might peaceably prevent their execution deceived you; they could not have been deceived themselves. They know that a forcible opposition could alone prevent the execution of the laws, and they know that such opposition must be repelled. Their object is disunion. But be not deceived by names. Disunion by armed force is *treason*. Are you really ready to incur its guilt? If you are, on the heads of the instigators of the act be the dreadful consequences; on their heads be the dishonor, but on yours may fall the punishment. On your unhappy State will inevitably fall all the evils of the conflict you force upon the Government of your country. It can not accede to the mad project of disunion, of which you would be the first victims. Its First Magistrate can not, if he would, avoid the performance of his duty. The consequence must be fearful for you, distressing to your fellow-citizens here and to the friends of good government throughout the world. Its enemies have beheld our prosperity with a vexation they could not conceal; it was a standing refutation of their slavish doctrines, and they will point to our discord with the triumph of malignant joy. It is yet in your power to disappoint them. There is yet time to show that the descendants of the Pinckneys, the Sumpters, the Rutledges, and of the thousand other names which adorn the pages of your Revolutionary history will not abandon that Union to support which so many of them fought and bled and died. I adjure you, as you honor their memory, as you love the cause of freedom, to which they dedicated their lives, as you prize the peace of your country, the lives of its best citizens, and your own fair fame, to retrace your steps. Snatch from the archives of your State the disorganizing edict of its convention; bid its members to reassemble and promulgate the decided expressions of your will to remain in the path which alone can conduct you to safety, prosperity, and honor. Tell them that compared to disunion all other evils are light, because that brings with it an accumulation of all. Declare that you will never take the field unless the star-spangled banner of your country shall float over you; that you will not be stigmatized when dead, and dishonored and scorned while you live, as the authors of the first attack on the Constitution of your country. Its destroyers you can not be. You may disturb its peace, you may interrupt the course of its prosperity, you may cloud its reputation for stability; but its tranquillity will be restored, its prosperity will return, and the stain upon its national character will be transferred and remain an eternal blot on the memory of those who caused the disorder.

Fellow-citizens of the United States, the threat of unhallowed disunion, the names of those once respected by whom it is uttered, the array of military force to support it, denote the approach of a crisis in our affairs on which the continuance of our unexampled prosperity, our political existence, and perhaps that of all free governments may depend. The conjuncture demanded a free, a full, and explicit enunciation, not only of my intentions, but of my principles of action; and as the claim was asserted of a right by a State to annul the laws of the Union, and even to secede from it at pleasure, a frank exposition of my opinions in relation to the origin and form of our Government and the construction I give to the instrument by which it was created seemed to be proper. Having the fullest confidence in the justness of the legal and constitutional opinion of my duties which has been expressed, I rely with equal confidence on your undivided support in my determination to execute the laws, to preserve the Union by all constitutional means, to arrest, if possible, by moderate and firm measures the necessity of a recourse to force; and if it be the will of Heaven that the recurrence of its primeval curse on man for the shedding of a brother's blood should fall upon our land, that it be not called down by any offensive act on the part of the United States.

Fellow-citizens, the momentous case is before you. On your undivided support of your Government depends the decision of the great question it involves—whether your sacred Union will be preserved and the blessing it secures to us as one people shall be perpetuated. No one can doubt that the unanimity with which that decision will be expressed will be such as to inspire new confidence in republican institutions, and that the prudence, the wisdom, and the courage which it will bring to their defense will transmit them unimpaired and invigorated to our children.

May the Great Ruler of Nations grant that the signal blessings with which He has favored ours may not, by the madness of party or personal ambition, be disregarded and lost; and may His wise providence bring those who have produced this crisis to see the folly before they feel the misery of civil strife, and inspire a returning veneration for that Union which, if we may dare to penetrate His designs, He has chosen as the only means of attaining the high destinies to which we may reasonably aspire.

In testimony whereof I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

[SEAL.] Done at the city of Washington, this 10th day of December, A. D. 1832, and of the Independence of the United States the fifty-seventh.

ANDREW JACKSON.

By the President:

EDW. LIVINGSTON,

Secretary of State.

ERRATA.

[The following papers were found too late for insertion in Vol. I.]

LETTER FROM THE PRESIDENT ELECT.

[From Annals of Congress, Fourth Congress, second session, 1544.]

The Vice-President laid before the Senate the following communication:

Gentlemen of the Senate:

In consequence of the declaration made yesterday in the Chamber of the House of Representatives of the election of a President and Vice-President of the United States, the record of which has just now been read from your journal by your secretary, I have judged it proper to give notice that on the 4th of March next, at 12 o'clock, I propose to attend again in the Chamber of the House of Representatives, in order to take the oath prescribed by the Constitution of the United States to be taken by the President, to be administered by the Chief Justice or such other judge of the Supreme Court of the United States as can most conveniently attend, and, in case none of those judges can attend, by the judge of the district of Pennsylvania, before such Senators and Representatives of the United States as may find it convenient to honor the transaction with their presence.

[JOHN ADAMS.]

FEBRUARY 9, 1797.

PROCLAMATION.

[From Annals of Congress, Fifth Congress, Vol. I, 620.]

UNITED STATES, *July 16, 1798.*

The President of the United States to ——, Senator for the State of ——:

Certain matters touching the public good requiring that the session of the Senate for executive business should be continued, and that the members thereof should convene on Tuesday, the 17th day of July instant, you are desired to attend at the Senate Chamber, in Philadelphia, on that day, at 10 o'clock in the forenoon, then and there to receive and deliberate on such communications as shall be made to you on my part.

JOHN ADAMS.

PROCLAMATION.

[From Miscellaneous Letters, Department of State, vol. 24.]

BY THE PRESIDENT OF THE UNITED STATES.

In pursuance of the act of Congress passed on the 16th July, 1798, entitled "An act for erecting a light-house at Gayhead, on Marthas Vineyard, and for other purposes," and an act which passed the legislature of Massachusetts on the 22d February, 1799, entitled "An act to cede to the United States a tract of land at Gayhead for a light-house," the following tract of land, situate at Gayhead, on the western part of Marthas Vineyard, in Dukes County, State of Massachusetts, is designated as the land ceded to the United States by the aforesaid act of the legislature of Massachusetts for the purpose of erecting a light-house, to wit: Beginning at a stake and heap of stones (1 rod from the edge of the cliff of said head), thence east 11 degrees south 18 rods to a stake and heap of stones; thence south 11 degrees west 18 rods to a stake and heap of stones; thence west 11 degrees north 18 rods to a stake and heap of stones; thence north 11 degrees east to the first-mentioned bound, containing 2 acres and 4 rods.

In witness whereof I have caused the seal of the United States of America to be hereto affixed, and signed the same with my hand, at Philadelphia, on the 1st day of July, 1799, and in the twenty-third year of the Independence of the said States.

[SEAL.]

JOHN ADAMS.

By the President:

TIMOTHY PICKERING,
Secretary of State.

Andrew Jackson

March 4, 1833, to March 4, 1837

SEE ENCYCLOPEDIC INDEX.

The Encyclopedic Index is not only an index to the other volumes, not only a key that unlocks the treasures of the entire publication, but it is in itself an alphabetically arranged brief history or story of the great controlling events constituting the History of the United States.

Under its proper alphabetical classification the story is told of every great subject referred to by any of the Presidents in their official Messages, and at the end of each article the official utterances of the Presidents themselves are cited upon the subject, so that you may readily turn to the page in the body of the work itself for this original information.

Next to the possession of knowledge is the ability to turn at will to where knowledge is to be found.

Andrew Jackson

SECOND INAUGURAL ADDRESS.

FELLOW-CITIZENS: The will of the American people, expressed through their unsolicited suffrages, calls me before you to pass through the solemnities preparatory to taking upon myself the duties of President of the United States for another term. For their approbation of my public conduct through a period which has not been without its difficulties, and for this renewed expression of their confidence in my good intentions, I am at a loss for terms adequate to the expression of my gratitude. It shall be displayed to the extent of my humble abilities in continued efforts so to administer the Government as to preserve their liberty and promote their happiness.

So many events have occurred within the last four years which have necessarily called forth—sometimes under circumstances the most delicate and painful—my views of the principles and policy which ought to be pursued by the General Government that I need on this occasion but allude to a few leading considerations connected with some of them.

The foreign policy adopted by our Government soon after the formation of our present Constitution, and very generally pursued by successive Administrations, has been crowned with almost complete success, and has elevated our character among the nations of the earth. To do justice to all and to submit to wrong from none has been during my Administration its governing maxim, and so happy have been its results that we are not only at peace with all the world, but have few causes of controversy, and those of minor importance, remaining unadjusted.

In the domestic policy of this Government there are two objects which especially deserve the attention of the people and their representatives, and which have been and will continue to be the subjects of my increasing solicitude. They are the preservation of the rights of the several States and the integrity of the Union.

These great objects are necessarily connected, and can only be attained by an enlightened exercise of the powers of each within its appropriate sphere in conformity with the public will constitutionally expressed. To this end it becomes the duty of all to yield a ready and patriotic submission to the laws constitutionally enacted, and thereby promote and strengthen a proper confidence in those institutions of the several States and of the United States which the people themselves have ordained for their own government.

My experience in public concerns and the observation of a life somewhat advanced confirm the opinions long since imbibed by me, that the destruction of our State governments or the annihilation of their control over the local concerns of the people would lead directly to revolution and anarchy, and finally to despotism and military domination. In proportion, therefore, as the General Government encroaches upon the rights of the States, in the same proportion does it impair its own power and detract from its ability to fulfill the purposes of its creation. Solemnly impressed with these considerations, my countrymen will ever find me ready to exercise my constitutional powers in arresting measures which may directly or indirectly encroach upon the rights of the States or tend to consolidate all political power in the General Government. But of equal, and, indeed, of incalculable, importance is the union of these States, and the sacred duty of all to contribute to its preservation by a liberal support of the General Government in the exercise of its just powers. You have been wisely admonished to "accustom yourselves to think and speak of the Union as of the palladium of your political safety and prosperity, watching for its preservation with jealous anxiety, discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of any attempt to alienate any portion of our country from the rest or to enfeeble the sacred ties which now link together the various parts." Without union our independence and liberty would never have been achieved; without union they never can be maintained. Divided into twenty-four, or even a smaller number, of separate communities, we shall see our internal trade burdened with numberless restraints and exactions; communication between distant points and sections obstructed or cut off; our sons made soldiers to deluge with blood the fields they now till in peace; the mass of our people borne down and impoverished by taxes to support armies and navies, and military leaders at the head of their victorious legions becoming our lawgivers and judges. The loss of liberty, of all good government, of peace, plenty, and happiness, must inevitably follow a dissolution of the Union. In supporting it, therefore, we support all that is dear to the freeman and the philanthropist.

The time at which I stand before you is full of interest. The eyes of all nations are fixed on our Republic. The event of the existing crisis will be decisive in the opinion of mankind of the practicability of our federal system of government. Great is the stake placed in our hands; great is the responsibility which must rest upon the people of the United States. Let us realize the importance of the attitude in which we stand before the world. Let us exercise forbearance and firmness. Let us extricate our country from the dangers which surround it and learn wisdom from the lessons they inculcate.

Deeply impressed with the truth of these observations, and under the obligation of that solemn oath which I am about to take, I shall continue to exert all my faculties to maintain the just powers of the Constitution and to transmit unimpaired to posterity the blessings of our Federal Union. At the same time, it will be my aim to inculcate by my official acts the necessity of exercising by the General Government those powers only that are clearly delegated; to encourage simplicity and economy in the expenditures of the Government; to raise no more money from the people than may be requisite for these objects, and in a manner that will best promote the interests of all classes of the community and of all portions of the Union. Constantly bearing in mind that in entering into society "individuals must give up a share of liberty to preserve the rest," it will be my desire so to discharge my duties as to foster with our brethren in all parts of the country a spirit of liberal concession and compromise, and, by reconciling our fellow-citizens to those partial sacrifices which they must unavoidably make for the preservation of a greater good, to recommend our invaluable Government and Union to the confidence and affections of the American people.

Finally, it is my most fervent prayer to that Almighty Being before whom I now stand, and who has kept us in His hands from the infancy of our Republic to the present day, that He will so overrule all my intentions and actions and inspire the hearts of my fellow-citizens that we may be preserved from dangers of all kinds and continue forever a united and happy people.

MARCH 4, 1833.

REMOVAL OF THE PUBLIC DEPOSITS.

[Read to the Cabinet September 18, 1833.]

Having carefully and anxiously considered all the facts and arguments which have been submitted to him relative to a removal of the public deposits from the Bank of the United States, the President deems it his duty to communicate in this manner to his Cabinet the final conclusions of his own mind and the reasons on which they are founded, in order to put them in durable form and to prevent misconceptions.

The President's convictions of the dangerous tendencies of the Bank of the United States, since signally illustrated by its own acts, were so overpowering when he entered on the duties of Chief Magistrate that he felt it his duty, notwithstanding the objections of the friends by whom he was surrounded, to avail himself of the first occasion to call the attention of Congress and the people to the question of its recharter. The opinions expressed in his annual message of December, 1829, were reiterated in those of December, 1830 and 1831, and in that of 1830 he threw out for consideration some suggestions in relation to a substitute. At the session of 1831–32 an act was passed by a majority of both Houses of Congress rechartering the present bank, upon which the President felt it his duty to put his constitutional veto. In his message returning that act he repeated and enlarged upon the principles and views briefly asserted in his annual message, declaring the bank to be, in his opinion, both inexpedient and unconstitutional, and announcing to his countrymen very unequivocally his firm determination never to sanction by his approval the continuance of that institution or the establishment of any other upon similar principles.

There are strong reasons for believing that the motive of the bank in asking for a recharter at that session of Congress was to make it a leading question in the election of a President of the United States the ensuing November, and all steps deemed necessary were taken to procure from the people a reversal of the President's decision.

Although the charter was approaching its termination, and the bank was aware that it was the intention of the Government to use the public deposit as fast as it has accrued in the payment of the public debt, yet did it extend its loans from January, 1831, to May, 1832, from $42,402,304.24 to $70,428,070.72, being an increase of $28,025,766.48 in sixteen months. It is confidently believed that the leading object of this immense extension of its loans was to bring as large a portion of the people as possible under its power and influence, and it has been disclosed that some of the largest sums were granted on very unusual terms to the conductors of the public press. In some of these cases the motive was made manifest by the nominal or insufficient security taken for the loans, by the large amounts discounted, by the extraordinary time allowed for payment, and especially by the subsequent conduct of those receiving the accommodations.

Having taken these preliminary steps to obtain control over public opinion, the bank came into Congress and asked a new charter. The object avowed by many of the advocates of the bank was to *put the President to the test*, that the country might know his final determination relative to the bank prior to the ensuing election. Many documents and articles were printed and circulated at the expense of the bank to bring the people to a favorable decision upon its pretensions. Those whom the bank appears to have made its debtors for the special occasion were warned of the ruin which awaited them should the President be sustained, and attempts were made to alarm the whole people by painting the depression in the price of property and produce and the general loss, inconvenience, and distress which it was represented would immediately follow the reelection of the President in opposition to the bank.

Can it now be said that the question of a recharter of the bank was not decided at the election which ensued? Had the veto been equivocal, or had it not covered the whole ground; if it had merely taken exceptions to the details of the bill or to the time of its passage; if it had not met the whole ground of constitutionality and expediency, then there might have been some plausibility for the allegation that the question was not decided by the people. It was to compel the President to take his stand that the question was brought forward at that particular time. He met the challenge, willingly took the position into which his adversaries sought to force him, and frankly declared his unalterable opposition to the bank as being both unconstitutional and inexpedient. On that ground the case was argued to the people; and now that the people have sustained the President, notwithstanding the array of influence and power which was brought to bear upon him, it is too late, he confidently thinks, to say that the question has not been decided. Whatever may be the opinions of others, the President considers his reelection as a decision of the people against the bank. In the concluding paragraph of his veto message he said:

> I have now done my duty to my country. If sustained by my fellow-citizens, I shall be grateful and happy; if not, I shall find in the motives which impel me ample grounds for contentment and peace.

He was sustained by a just people, and he desires to evince his gratitude by carrying into effect their decision so far as it depends upon him.

Of all the substitutes for the present bank which have been suggested, none seems to have united any considerable portion of the public in its favor. Most of them are liable to the same constitutional objections for which the present bank has been condemned, and perhaps to all there are strong objections on the score of expediency. In ridding the country of an irresponsible power which has attempted to control the Government, care must be taken not to unite the same power with the executive branch. To give a President the control over the currency and the power over individuals now possessed by the Bank of the United States, even with the material difference that he is responsible to the people, would be as objectionable and as dangerous as to leave it as it is. Neither one nor the other is necessary, and therefore ought not to be resorted to.

On the whole, the President considers it as conclusively settled that the charter of the Bank of the United States will not be renewed, and he has no reasonable ground to believe that any substitute will be established. Being bound to regulate his course by the laws as they exist, and not to anticipate the interference of the legislative power for the purpose of framing new systems, it is proper for him seasonably to consider the means by which the services rendered by the Bank of the United States are to be performed after its charter shall expire.

The existing laws declare that—

> The deposits of the money of the United States in places in which the said bank and branches thereof may be established shall be made in said bank or branches

thereof unless the Secretary of the Treasury shall at any time otherwise order and direct, in which case the Secretary of the Treasury shall immediately lay before Congress, if in session, and, if not, immediately after the commencement of the next session, the reasons of such order or direction.

The power of the Secretary of the Treasury over the deposits is *unqualified*. The provision that he shall report his reasons to Congress is no limitation. Had it not been inserted he would have been responsible to Congress had he made a removal for any other than good reasons, and his responsibility now ceases upon the rendition of sufficient ones to Congress. The only object of the provision is to make his reasons accessible to Congress and enable that body the more readily to judge of their soundness and purity, and thereupon to make such further provision by law as the legislative power may think proper in relation to the deposit of the public money. Those reasons may be very diversified. It was asserted by the Secretary of the Treasury, without contradiction, as early as 1817, that he had power "to control the proceedings" of the Bank of the United States at any moment "by changing the deposits to the State banks" should it pursue an illiberal course toward those institutions; that "the Secretary of the Treasury will always be disposed to support the credit of the State banks, and will invariably direct transfers from the deposits of the public money in aid of their legitimate exertions to maintain their credit;" and he asserted a right to employ the State banks when the Bank of the United States should refuse to receive on deposit the notes of such State banks as the public interest required should be received in payment of the public dues. In several instances he did transfer the public deposits to State banks in the immediate vicinity of branches, for reasons connected only with the safety of those banks, the public convenience, and the interests of the Treasury.

If it was lawful for Mr. Crawford, the Secretary of the Treasury at that time, to act on these principles, it will be difficult to discover any sound reason against the application of similar principles in still stronger cases. And it is a matter of surprise that a power which in the infancy of the bank was freely asserted as one of the ordinary and familiar duties of the Secretary of the Treasury should now be gravely questioned, and attempts made to excite and alarm the public mind as if some new and unheard-of power was about to be usurped by the executive branch of the Government.

It is but a little more than two and a half years to the termination of the charter of the present bank. It is considered as the decision of the country that it shall then cease to exist, and no man, the President believes, has reasonable ground for expectation that any other Bank of the United States will be created by Congress.

To the Treasury Department is intrusted the safe-keeping and faithful application of the public moneys. A plan of collection different from the present must therefore be introduced and put in complete operation before the dissolution of the present bank. When shall it be commenced? Shall no step be taken in this essential concern until the charter expires and the Treasury finds itself without an agent, its accounts in confusion, with no depository for its funds, and the whole business of the Government deranged, or shall it be delayed until six months, or a year, or two years before the expiration of the charter? It is obvious that any new system which may be substituted in the place of the Bank of the United States could not be suddenly carried into effect on the termination of its existence without serious inconvenience to the Government and the people. Its vast amount of notes are then to be redeemed and withdrawn from circulation and its immense debt collected. These operations must be gradual, otherwise much suffering and distress will be brought upon the community.

It ought to be not a work of months only, but of years, and the President thinks it can not, with due attention to the interests of the people, be longer postponed. It is safer to begin it too soon than to delay it too long.

It is for the wisdom of Congress to decide upon the best substitute to be adopted in the place of the Bank of the United States, and the President would have felt himself relieved from a heavy and painful responsibility if in the charter to the bank Congress had reserved to itself the power of directing at its pleasure the public money to be elsewhere deposited, and had not devolved that power exclusively on one of the Executive Departments. It is useless now to inquire why this high and important power was surrendered by those who are peculiarly and appropriately the guardians of the public money. Perhaps it was an oversight. But as the President presumes that the charter to the bank is to be considered as a contract on the part of the Government, it is not now in the power of Congress to disregard its stipulations; and by the terms of that contract the public money is to be deposited in the bank during the continuance of its charter unless the Secretary of the Treasury shall otherwise direct. Unless, therefore, the Secretary of the Treasury first acts, Congress have no power over the subject, for they can not add a new clause to the charter or strike one out of it without the consent of the bank, and consequently the public money must remain in that institution to the last hour of its existence unless the Secretary of the Treasury shall remove it at an earlier day. The responsibility is thus thrown upon the executive branch of the Government of deciding how long before the expiration of the charter the public interest will require the deposits to be placed elsewhere; and although according to the frame and principle of our Government this decision would seem more properly to belong to the legislative power, yet as the law has imposed it upon the executive department the duty ought to be faithfully and firmly met, and the decision made and executed upon the best lights that can be obtained and the best judgment that can be formed.

It would ill become the executive branch of the Government to shrink from any duty which the law imposes on it, to fix upon others the responsibility which justly belongs to itself. And while the President anxiously wishes to abstain from the exercise of doubtful powers and to avoid all interference with the rights and duties of others, he must yet with unshaken constancy discharge his own obligations, and can not allow himself to turn aside in order to avoid any responsibility which the high trust with which he has been honored requires him to encounter; and it being the duty of one of the Executive Departments to decide in the first instance, subject to the future action of the legislative power, whether the public deposits shall remain in the Bank of the United States until the end of its existence or be withdrawn some time before, the President has felt himself bound to examine the question carefully and deliberately in order to make up his judgment on the subject, and in his opinion the near approach of the termination of the charter and the public considerations heretofore mentioned are of themselves amply sufficient to justify the removal of the deposits, without reference to the conduct of the bank or their safety in its keeping.

But in the conduct of the bank may be found other reasons, very imperative in their character, and which require prompt action. Developments have been made from time to time of its faithlessness as a public agent, its misapplication of public funds, its interference in elections, its efforts by the machinery of committees to deprive the Government directors of a full knowledge of its concerns, and, above all, its flagrant misconduct as recently and unexpectedly disclosed in placing all the funds of the bank, including the money of the Government, at the disposition of the president of the bank as means of operating upon public opinion and procuring a new charter, without requiring him to render a voucher for their disbursement. A brief recapitulation of the facts which justify these charges, and which have come to the knowledge of the public and the President, will, he thinks, remove every reasonable doubt as to the course which it is now the duty of the President to pursue.

We have seen that in sixteen months ending in May, 1832, the bank had extended its loans more than $28,000,000, although it knew the Government intended to appropriate most of its large deposit during that year in payment of the public debt. It was in May, 1832, that its loans arrived at the maximum, and in the preceding March so sensible was the bank that it would not be able to pay over the public deposit when it would be required by the Government that it commenced a secret negotiation, without the approbation or knowledge of the Government, with the agents for about $2,700,000 of the 3 per cent stocks held in Holland, with a view of inducing them not to come forward for payment for one or more years after notice should be given by the Treasury Department. This arrangement would have enabled the bank to keep and use during that time the public money set apart for the payment of these stocks.

After this negotiation had commenced, the Secretary of the Treasury informed the bank that it was his intention to pay off one-half of the 3 percents on the 1st of the succeeding July, which amounted to about $6,500,000. The president of the bank, although the committee of investigation was then looking into its affairs at Philadelphia, came immediately to Washington, and upon representing that the bank was desirous of accommodating the importing merchants at New York (which it failed to do) and undertaking to pay the interest itself, procured the consent of the Secretary, after consultation with the President, to postpone the payment until the succeeding 1st of October.

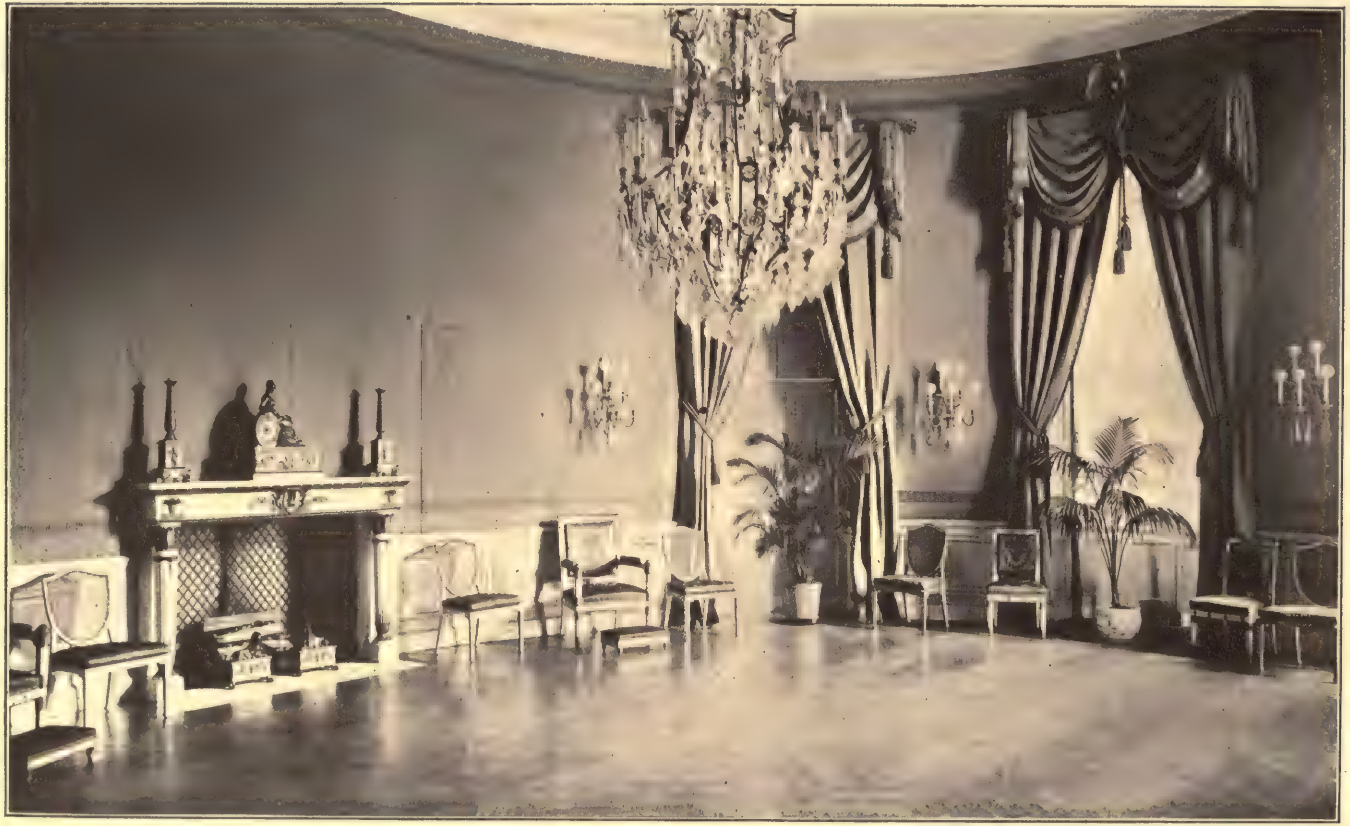
Conscious that at the end of that quarter the bank would not be able to pay over the deposits, and that further indulgence was not to be expected of the Government, an agent was dispatched to England secretly to negotiate with the holders of the public debt in Europe and induce them by the offer of an equal or higher interest than that paid by the Government to hold back their claims for one year, during which the bank expected thus to retain the use of $5,000,000 of the public money, which the Government should set apart for the payment of that debt. The agent made an arrangement on terms, in part, which were in direct violation of the charter of the bank, and when some incidents connected with this secret negotiation accidentally came to the knowledge of the public and the Government, then, and not before, so much of it as was palpably in violation of the charter was disavowed. A modification of the rest was attempted with the view of getting the certificates without payment of the money, and thus absolving the Government from its liability to the holders. In this scheme the bank was partially successful, but to this day the certificates of a portion of these stocks have not been paid and the bank retains the use of the money.

This effort to thwart the Government in the payment of the public debt that it might retain the public money to be used for their private interests, palliated by pretenses notoriously unfounded and insincere, would have justified the instant withdrawal of the public deposits. The negotiation itself rendered doubtful the ability of the bank to meet the demands of the Treasury, and the misrepresentations by which it was attempted to be justified proved that no reliance could be placed upon its allegations.

If the question of a removal of the deposits presented itself to the Executive in the same attitude that it appeared before the House of Representatives at their last session, their resolution in relation to the safety of the deposits would be entitled to more weight, although the decision of the question of removal has been confided by law to another department of the Government. But the question now occurs attended by other circumstances and new disclosures of the most serious import. It is true that in the message of the President which produced this inquiry and resolution on the part of the House of Representatives it was his object to obtain the aid of that body in making a thorough examination into the conduct and condition of the bank and its branches in order to enable the executive department to decide whether the public money was longer safe in its hands. The limited power of the Secretary of the Treasury over the subject disabled him from making the investigation as fully and satisfactorily as it could be done by a committee of the House of Representatives, and hence the President desired the assistance of Congress to obtain for the Treasury Department a full knowledge of all the facts which were necessary to guide his judgment. But it was not his purpose, as the language of his message will show, to ask the representatives of the people to assume a responsibility which did not belong to them and relieve the executive branch of the Government from the duty which the law had imposed upon it. It is due to the President that his object in that proceeding should be distinctly understood, and that he should acquit himself of all suspicion of seeking to escape from the performance of his own duties or of desiring to interpose another body between himself and the people in order to avoid a measure which he is called upon to meet. But although as an act of justice to himself he disclaims any design of soliciting the opinion of the House of Representatives in relation to his own duties in order to shelter himself from responsibility under the sanction of their counsel, yet he is at all times ready to listen to the suggestions of the representatives of the people, whether given voluntarily or upon solicitation, and to consider them with the profound respect to which all will admit that they are justly entitled. Whatever may be the consequences, however, to himself, he must finally form his own judgment where the Constitution and the law make it his duty to decide, and must act accordingly; and he is bound to suppose that such a course on his part will never be regarded by that elevated body as a mark of disrespect to itself, but that they will, on the contrary, esteem it the strongest evidence he can give of his fixed resolution conscientiously to discharge his duty to them and the country.

A new state of things has, however, arisen since the close of the last session of Congress, and evidence has since been laid before the President which he is persuaded would have led the House of Representatives to a different conclusion if it had come to their knowledge. The fact that the bank controls, and in some cases substantially *owns*, and by its money *supports* some of the leading presses of the country is now more clearly established. Editors to whom it loaned extravagant sums in 1831 and 1832, on unusual time and nominal security, have since turned out to be insolvent, and to others apparently in no better condition accommodations still more extravagant, on terms more unusual, and some without any security, have also been heedlessly granted.

The allegation which has so often circulated through these channels that the Treasury was bankrupt and the bank was sustaining it, when for many years there has not been less, on an average, than six millions



WHITE HOUSE—THE BLUE ROOM

of public money in that institution, might be passed over as a harmless misrepresentation; but when it is attempted by substantial acts to impair the credit of the Government and tarnish the honor of the country, such charges require more serious attention. With six millions of public money in its vaults, after having had the use of from five to twelve millions for nine years without interest, it became the purchaser of a bill drawn by our Government on that of France for about $900,000, being the first installment of the French indemnity. The purchase money was left in the use of the bank, being simply added to the Treasury deposit. The bank sold the bill in England, and the holder sent it to France for collection, and arrangements not having been made by the French Government for its payment, it was taken up by the agents of the bank in Paris with the funds of the bank in their hands. Under these circumstances it has through its organs openly assailed the credit of the Government, and has actually made and persists in a demand of 15 per cent, or $158,842.77, as damages, when no damage, or none beyond some trifling expense, has in fact been sustained, and when the bank had in its own possession on deposit several millions of the public money which it was then using for its own profit. Is a fiscal agent of the Government which thus seeks to enrich itself at the expense of the public worthy of further trust?

There are other important facts not in the contemplation of the House of Representatives or not known to the members at the time they voted for the resolution.

Although the charter and the rules of the bank both declare that "not less than seven directors" shall be necessary to the transaction of business, yet the most important business, even that of granting discounts to any extent, is intrusted to a committee of five members, who do not report to the board.

To cut off all means of communication with the Government in relation to its most important acts at the commencement of the present year, not one of the Government directors was placed on any one committee; and although since, by an unusual remodeling of those bodies, some of those directors have been placed on some of the committees, they are yet entirely excluded from the committee of exchange, through which the greatest and most objectionable loans have been made.

When the Government directors made an effort to bring back the business of the bank to the board in obedience to the charter and the existing regulations, the board not only overruled their attempt, but altered the rule so as to make it conform to the practice, in direct violation of one of the most important provisions of the charter which gave them existence.

It has long been known that the president of the bank, by his single will, originates and executes many of the most important measures connected with the management and credit of the bank, and that the committee as well as the board of directors are left in entire ignorance of many acts done and correspondence carried on in their names, and apparently under their authority. The fact has been recently disclosed that an unlimited discretion has been and is now vested in the president of the bank to expend its funds in payment for preparing and circulating articles and purchasing pamphlets and newspapers, calculated by their contents to operate on elections and secure a renewal of its charter. It appears from the official report of the public directors that on the 30th November, 1830, the president submitted to the board an article published in the American Quarterly Review containing favorable notices of the bank, and suggested the expediency of giving it a wider circulation at the expense of the bank; whereupon the board passed the following resolution, viz:

> *Resolved*, That the president be authorized to take such measures in regard to the circulation of the contents of the said article, either in whole or in part, as he may deem most for the interest of the bank.

By an entry in the minutes of the bank dated March 11, 1831, it appears that the president had not only caused a large edition of that article to be issued, but had also, before the resolution of 30th November was adopted, procured to be printed and widely circulated numerous copies of the reports of General Smith and Mr. McDuffie in favor of the bank; and on that day he suggested the expediency of extending his power to the printing of other articles which might subserve the purposes of the institution, whereupon the following resolution was adopted, viz:

> *Resolved*, That the president is hereby authorized to cause to be prepared and circulated such documents and papers as may communicate to the people information in regard to the nature and operations of the bank.

The expenditures purporting to have been made under authority of these resolutions during the years 1831 and 1832 were about $80,000. For a portion of these expenditures vouchers were rendered, from which it appears that they were incurred in the purchase of some hundred thousand copies of newspapers, reports and speeches made in Congress, reviews of the veto message and reviews of speeches against the bank, etc. For another large portion no vouchers whatever were rendered, but the various sums were paid on orders of the president of the bank, making reference to the resolution of the 11th of March, 1831.

On ascertaining these facts and perceiving that expenditures of a similar character were still continued, the Government directors a few weeks ago offered a resolution in the board calling for a specific account of these expenditures, showing the objects to which they had been applied and the persons to whom the money had been paid. This reasonable proposition was voted down.

They also offered a resolution rescinding the resolutions of November, 1830, and March, 1831. This also was rejected.

Not content with thus refusing to recall the obnoxious power or even to require such an account of the expenditure as would show whether the money of the bank had in fact been applied to the objects contemplated by these resolutions, as obnoxious as they were, the board renewed the power already conferred, and even enjoined renewed attention to its exercise by adopting the following in lieu of the propositions submitted by the Government directors, viz:

> *Resolved*, That the board have confidence in the wisdom and integrity of the president and in the propriety of the resolutions of 30th November, 1830, and 11th March, 1831, and entertain a full conviction of the necessity of a renewed attention to the object of those resolutions, and that the president be authorized and requested to continue his exertions for the promotion of said object.

Taken in connection with the nature of the expenditures heretofore made, as recently disclosed, which the board not only tolerate, but approve, this resolution puts the funds of the bank at the disposition of the president for the purpose of employing the whole press of the country in the service of the bank, to hire writers and newspapers, and to pay out such sums as he pleases to what person and for what services he pleases without the responsibility of rendering any specific account. The bank is thus converted into a vast electioneering engine, with means to embroil the country in deadly feuds, and, under cover of expenditures in themselves improper, extend its corruption through all the ramifications of society.

Some of the items for which accounts have been rendered show the construction which has been given to the resolutions and the way in which the power it confers has been exerted. The money has not been expended merely in the publication and distribution of speeches, reports of committees, or articles written for the purpose of showing the constitutionality or usefulness of the bank, but publications have been prepared and extensively circulated containing the grossest invectives against the officers of the Government, and the money which belongs to the stockholders and to the public has been freely applied in efforts to degrade in public estimation those who were supposed to be instrumental in resisting the wishes of this grasping and dangerous institution. As the president of the bank has not been required to settle his accounts, no one but himself knows how much more than the sum already mentioned may have been squandered, and for which a credit may hereafter be claimed in his account under this most extraordinary resolution. With these facts before us can we be surprised at the torrent of abuse incessantly poured out against all who are supposed to stand in the way of the cupidity or ambition of the Bank of the United States? Can we be surprised at sudden and unexpected changes of opinion in favor of an institution which has millions to lavish and avows its determination not to spare its means when they are necessary to accomplish its purposes? The refusal to render an account of the manner in which a part of the money expended has been applied gives just cause for the suspicion that it has been used for purposes which it is not deemed prudent to expose to the eyes of an intelligent and virtuous people. Those who act justly do not shun the light, nor do they refuse explanations when the propriety of their conduct is brought into question.

With these facts before him in an official report from the Government directors, the President would feel that he was not only responsible for all the abuses and corruptions the bank has committed or may commit, but almost an accomplice in a conspiracy against that Government which he has sworn honestly to administer, if he did not take every step within his constitutional and legal power likely to be efficient in putting an end to these enormities. If it be possible within the scope of human affairs to find a reason for removing the Government deposits and leaving the bank to its own resource for the means of effecting its criminal designs, we have it here. Was it expected when the moneys of the United States were directed to be placed in that bank that they would be put under the control of one man empowered to spend millions without rendering a voucher or specifying the object? Can they be considered safe with the evidence before us that tens of thousands have been spent for highly improper, if not corrupt, purposes, and that the same motive may lead to the expenditure of hundreds of thousands, and even millions, more? And can we justify ourselves to the people by longer lending to it the money and power of the Government to be employed for such purposes?

It has been alleged by some as an objection to the removal of the deposits that the bank has the power, and in that event will have the disposition, to destroy the State banks employed by the Government, and bring distress upon the country. It has been the fortune of the President to encounter dangers which were represented as equally alarming, and he has seen them vanish before resolution and energy. Pictures equally appalling were paraded before him when this bank came to demand a new charter. But what was the result? Has the country been ruined, or even distressed? Was it ever more prosperous than since that act? The President verily believes the bank has not the power to produce the calamities its friends threaten. The funds of the Government will not be annihilated by being transferred. They will immediately be issued for the benefit of trade, and if the Bank of the United States curtails its loans the State banks, strengthened by the public deposits, will extend theirs. What comes in through one bank will go out through others, and the equilibrium will be preserved. Should the bank, for the mere purpose of producing distress, press its debtors more heavily than some of them can bear, the consequences will recoil upon itself, and in the attempts to embarrass the country it will only bring loss and ruin upon the holders of its own stock. But if the President believed the bank possessed all the power which has been attributed to it, his determination would only be rendered the more inflexible. If, indeed, this corporation now holds in its hands the happiness and prosperity of the American people, it is high time to take the alarm. If the despotism be already upon us and our only safety is in the mercy of the despot, recent developments in relation to his designs and the means he employs show how necessary it is to shake it off. The struggle can never come with less distress to the people or under more favorable auspices than at the present moment.

All doubt as to the willingness of the State banks to undertake the service of the Government to the same extent and on the same terms as it is now performed by the Bank of the United States is put to rest by the report of the agent recently employed to collect information, and from that willingness their own safety in the operation may be confidently inferred. Knowing their own resources better than they can be known by others, it is not to be supposed that they would be willing to place themselves in a situation which they can not occupy without danger of annihilation or embarrassment. The only consideration applies to the safety of the public funds if deposited in those institutions, and when it is seen that the directors of many of them are not only willing to pledge the character and capital of the corporations in giving success to this measure, but also their own property and reputation, we can not doubt that they at least believe the public deposits would be safe in their management. The President thinks that these facts and circumstances afford as strong a guaranty as can be had in human affairs for the safety of the public funds and the practicability of a new system of collection and disbursement through the agency of the State banks.

From all these considerations the President thinks that the State banks ought immediately to be employed in the collection and disbursement of the public revenue, and the funds now in the Bank of the United States drawn out with all convenient dispatch. The safety of the public moneys if deposited in the State banks must be secured beyond all reasonable doubts; but the extent and nature of the security, in addition to their capital, if any be deemed necessary, is a subject of detail to which the Treasury Department will undoubtedly give its anxious attention. The banks to be employed must remit the moneys of the Government without charge, as the Bank of the United States now does; must render all the services which that bank now performs; must keep the Government advised of their situation by periodical returns; in fine, in any arrangement with the State banks the Government must not in any respect be placed on a worse footing than it now is. The President is happy to perceive by the report of the agent that the banks which he has consulted have, in general, consented to perform the service on these terms, and that those in New York have further agreed to make payments in London without other charge than the mere cost of the bills of exchange.

It should also be enjoined upon any banks which may be employed that it will be expected of them to facilitate domestic exchanges for the benefit of internal commerce; to grant all reasonable facilities to the payers of the revenue; to exercise the utmost liberality toward the other State banks, and do nothing uselessly to embarrass the Bank of the United States.

As one of the most serious objections to the Bank of the United States is the power which it concentrates, care must be taken in finding other agents for the service of the Treasury not to raise up another power equally formidable. Although it would probably be impossible to produce such a result by any organization of the State banks which could be devised, yet it is desirable to avoid even the appearance. To this end it would be expedient to assume no more power over them and interfere no more in their affairs than might be absolutely necessary to the security of the public deposit and the faithful performance of their duties as agents of the Treasury. Any interference by them in the political contests of the country with a view to influence elections ought, in the opinion of the President, to be followed by an immediate discharge from the public service.

It is the desire of the President that the control of the banks and the currency shall, as far as possible, be entirely separated from the political power of the country as well as wrested from an institution which has already attempted to subject the Government to its will. In his opinion the action of the General Government on this subject ought not to extend beyond the grant in the Constitution, which only authorizes Congress "to coin money and regulate the value thereof;" all else belongs to the States and the people, and must be regulated by public opinion and the interests of trade.

In conclusion, the President must be permitted to remark that he looks upon the pending question as of higher consideration than the mere transfer of a sum of money from one bank to another. Its decision may affect the character of our Government for ages to come. Should the bank be suffered longer to use the public moneys in the accomplishment of its purposes, with the proofs of its faithlessness and corruption before our eyes, the patriotic among our citizens will despair of success in struggling against its power, and we shall be responsible for entailing it upon our country forever. Viewing it as a question of transcendent importance, both in the principles and consequences it involves, the President could not, in justice to the responsibility which he owes to the country, refrain from pressing upon the Secretary of the Treasury his view of the considerations which impel to immediate action. Upon him has been devolved by the Constitution and the suffrages of the American people the duty of superintending the operation of the Executive Departments of the Government and seeing that the laws are faithfully executed. In the performance of this high trust it is his undoubted right to express to those whom the laws and his own choice have made his associates in the administration of the Government his opinion of their duties under circumstances as they arise. It is this right which he now exercises. Far be it from him to expect or require that any member of the Cabinet should at his request, order, or dictation do any act which he believes unlawful or in his conscience condemns. From them and from his fellow-citizens in general he desires only that aid and support which their reason approves and their conscience sanctions.

In the remarks he has made on this all-important question he trusts the Secretary of the Treasury will see only the frank and respectful declarations of the opinions which the President has formed on a measure of great national interest deeply affecting the character and usefulness of his Administration, and not a spirit of dictation, which the President would be as careful to avoid as ready to resist. Happy will he be if the facts now disclosed produce uniformity of opinion and unity of action among the members of the Administration.

The President again repeats that he begs his Cabinet to consider the proposed measure as his own, in the support of which he shall require no one of them to make a sacrifice of opinion or principle. Its responsibility has been assumed after the most mature deliberation and reflection as necessary to preserve the morals of the people, the freedom of the press, and the purity of the elective franchise, without which all will unite in saying that the blood and treasure expended by our forefathers in the establishment of our happy system of government will have been vain and fruitless. Under these convictions he feels that a measure so important to the American people can not be commenced too soon, and he therefore names the 1st day of October next as a period proper for the change of the deposits, or sooner, provided the necessary arrangements with the State banks can be made.

ANDREW JACKSON.

FIFTH ANNUAL MESSAGE.

DECEMBER 3, 1833.

Fellow-Citizens of the Senate and House of Representatives:

On your assembling to perform the high trusts which the people of the United States have confided to you, of legislating for their common welfare, it gives me pleasure to congratulate you upon the happy condition of our beloved country. By the favor of Divine Providence health is again restored to us, peace reigns within our borders, abundance crowns the labors of our fields, commerce and domestic industry flourish and increase, and individual happiness rewards the private virtue and enterprise of our citizens.

Our condition abroad is no less honorable than it is prosperous at home. Seeking nothing that is not right and determined to submit to nothing that is wrong, but desiring honest friendships and liberal intercourse with all nations, the United States have gained throughout the world the confidence and respect which are due to a policy so just and so congenial to the character of the American people and to the spirit of their institutions.

In bringing to your notice the particular state of our foreign affairs, it affords me high gratification to inform you that they are in a condition which promises the continuance of friendship with all nations.

With Great Britain the interesting question of our northeastern boundary remains still undecided. A negotiation, however, upon that subject has been renewed since the close of the last Congress, and a proposition has been submitted to the British Government with the view of establishing, in conformity with the resolution of the Senate, the line designated by the treaty of 1783. Though no definitive answer has been received, it may be daily looked for, and I entertain a hope that the overture may ultimately lead to a satisfactory adjustment of this important matter.

I have the satisfaction to inform you that a negotiation which, by desire of the House of Representatives, was opened some years ago with the British Government, for the erection of light-houses on the Bahamas, has been successful. Those works, when completed, together with those which the United States have constructed on the western side of the Gulf of Florida, will contribute essentially to the safety of navigation in that sea. This joint participation in establishments interesting to humanity and beneficial to commerce is worthy of two enlightened nations, and indicates feelings which can not fail to have a happy influence upon their political relations. It is gratifying to the friends of both to perceive that the intercourse between the two people is becoming daily more extensive, and that sentiments of mutual good will have grown up befitting their common origin and justifying the hope that by wise counsels on each side not only unsettled questions may be satisfactorily terminated, but new causes of misunderstanding prevented.

Notwithstanding that I continue to receive the most amicable assurances from the Government of France, and that in all other respects the most friendly relations exist between the United States and that Government, it is to be regretted that the stipulations of the convention concluded on the 4th July, 1831, remain in some important parts unfulfilled.

By the second article of that convention it was stipulated that the sum payable to the United States should be paid at Paris, in six annual installments, into the hands of such person or persons as should be authorized by the Government of the United States to receive it, and by the same article the first installment was payable on the 2d day of February, 1833. By the act of Congress of the 13th July, 1832, it was made the duty of the Secretary of the Treasury to cause the several installments, with the interest thereon, to be received from the French Government and transferred to the United States in such manner as he may deem best; and by the same act of Congress the stipulations on the part of the United States in the convention were in all respects fulfilled. Not doubting that a treaty thus made and ratified by the two Governments, and faithfully executed by the United States, would be promptly complied with by the other party, and desiring to avoid the risk and expense of intermediate agencies, the Secretary of the Treasury deemed it advisable to receive and transfer the first installment by means of a draft upon the French minister of finance. A draft for this purpose was accordingly drawn in favor of the cashier of the Bank of the United States for the amount accruing to the United States out of the first installment, and the interest payable with it. This bill was not drawn at Washington until five days after the installment was payable at Paris, and was accompanied by a special authority from the President authorizing the cashier or his assigns to receive the amount. The mode thus adopted of receiving the installment was officially made known to the French Government by the American chargé d'affaires at Paris, pursuant to instructions from the Department of State. The bill, however, though not presented for payment until the 23d day of March, was not paid, and for the reason assigned by the French minister of finance that no appropriation had been made by the French Chambers. It is not known to me that up to that period any appropriation had been required of the Chambers, and although a communication was subsequently made to the Chambers by direction of the King, recommending that the necessary provision should be made for carrying the convention into effect, it was at an advanced period of the session, and the subject was finally postponed until the next meeting of the Chambers.

Notwithstanding it has been supposed by the French ministry that the financial stipulations of the treaty can not be carried into effect without an appropriation by the Chambers, it appears to me to be not only consistent with the character of France, but due to the character of both Governments, as well as to the rights of our citizens, to treat the convention, made and ratified in proper form, as pledging the good faith of the French Government for its execution, and as imposing upon each department an obligation to fulfill it; and I have received assurances through our chargé d'affaires at Paris and the French minister plenipotentiary at Washington, and more recently through the minister of the United States at Paris, that the delay has not proceeded from any indisposition on the part of the King and his ministers to fulfill the treaty, and that measures will be presented at the next meeting of the Chambers, and with a reasonable hope of success, to obtain the necessary appropriation.

It is necessary to state, however, that the documents, except certain lists of vessels captured, condemned, or burnt at sea, proper to facilitate the examination and liquidation of the reclamations comprised in the stipulations of the convention, and which by the sixth article France engaged to communicate to the United States by the intermediary of the legation, though repeatedly applied for by the American chargé d'affaires under instructions from this Government, have not yet been communicated; and this delay, it is apprehended, will necessarily prevent the completion of the duties assigned to the commissioners within the time at present prescribed by law.

The reasons for delaying to communicate these documents have not been explicitly stated, and this is the more to be regretted as it is not understood that the interposition of the Chambers is in any manner required for the delivery of those papers.

Under these circumstances, in a case so important to the interests of our citizens and to the character of our country, and under disappointments so unexpected, I deemed it my duty, however I might respect the general assurances to which I have adverted, no longer to delay the appointment of a minister plenipotentiary to Paris, but to dispatch him in season to communicate the result of his application to the French Government at an early period of your session. I accordingly appointed a distinguished citizen for this purpose, who proceeded on his mission in August last and was presented to the King early in the month of October. He is particularly instructed as to all matters connected with the present posture of affairs, and I indulge the hope that with the representations he is instructed to make, and from the disposition manifested by the King and his ministers in their recent assurances to our minister at Paris, the subject will be early considered, and satisfactorily disposed of at the next meeting of the Chambers.

As this subject involves important interests and has attracted a considerable share of the public attention, I have deemed it proper to make this explicit statement of its actual condition, and should I be disappointed in the hope now entertained the subject will be again brought to the notice of Congress in such manner as the occasion may require.

The friendly relations which have always been maintained between the United States and Russia have been further extended and strengthened by the treaty of navigation and commerce concluded on the 6th of December last, and sanctioned by the Senate before the close of its last session. The ratifications having been since exchanged, the liberal provisions of the treaty are now in full force, and under the encouragement which they have secured a flourishing and increasing commerce, yielding its benefits to the enterprise of both nations, affords to each the just recompense of wise measures, and adds new motives for that mutual friendship which the two countries have hitherto cherished toward each other.

It affords me peculiar satisfaction to state that the Government of Spain has at length yielded to the justice of the claims which have been so long urged in behalf of our citizens, and has expressed a willingness to provide an indemnification as soon as the proper amount can be agreed upon. Upon this latter point it is probable an understanding had taken place between the minister of the United States and the Spanish Government before the decease of the late King of Spain; and, unless that event may have delayed its completion, there is reason to hope that it may be in my power to announce to you early in your present session the conclusion of a convention upon terms not less favorable than those entered into for similar objects with other nations. That act of justice would well accord with the character of Spain, and is due to the United States from their ancient friend. It could not fail to strengthen the sentiments of amity and good will between the two nations which it is so much the wish of the United States to cherish and so truly the interest of both to maintain.

By the first section of an act of Congress passed on the 13th of July, 1832, the tonnage duty on Spanish ships arriving from the ports of Spain was limited to the duty payable on American vessels in the ports of Spain previous to the 20th of October, 1817, being 5 cents per ton. That act was intended to give effect on our side to an arrangement made with the Spanish Government by which discriminating duties of tonnage were to be abolished in the ports of the United States and Spain on the vessels of the two nations. Pursuant to that arrangement, which was carried into effect on the part of Spain on the 20th of May, 1832, by a royal order dated the 29th of April, 1832, American vessels in the ports of Spain have paid 5 cents per ton, which rate of duty is also paid in those ports by Spanish ships; but as American vessels pay no tonnage duty in the ports of the United States, the duty of 5 cents payable in our ports by Spanish vessels under the act above mentioned is really a discriminating duty, operating to the disadvantage of Spain. Though no complaint has yet been made on the part of Spain, we are not the less bound by the obligations of good faith to remove the discrimination, and I recommend that the act be amended accordingly. As the royal order above alluded to includes the ports of the Balearic and Canary islands as well as those of Spain, it would seem that the provisions of the act of Congress should be equally extensive, and that for the repayment of such duties as may have been improperly received an addition should be made to the sum appropriated at the last session of Congress for refunding discriminating duties.

As the arrangement referred to, however, did not embrace the islands of Cuba and Puerto Rico, discriminating duties to the prejudice of American shipping continue to be levied there. From the extent of the commerce carried on between the United States and those islands, particularly the former, this discrimination causes serious injury to one of those great national interests which it has been considered an essential part of our policy to cherish, and has given rise to complaints on the part of our merchants. Under instructions given to our minister at Madrid, earnest representations have been made by him to the Spanish Government upon this subject, and there is reason to expect, from the friendly disposition which is entertained toward this country, that a beneficial change will be produced. The disadvantage, however, to which our shipping is subjected by the operation of these discriminating duties requires that they be met by suitable countervailing duties during your present session, power being at the same time vested in the President to modify or discontinue them as the discriminating duties on American vessels or their cargoes may be modified or discontinued at those islands. Intimations have been given to the Spanish Government that the United States may be obliged to resort to such measures as are of necessary self-defense, and there is no reason to apprehend that it would be unfavorably received. The proposed proceeding if adopted would not be permitted, however, in any degree to induce a relaxation in the efforts of our minister to effect a repeal of this irregularity by friendly negotiation, and it might serve to give force to his representations by showing the dangers to which that valuable trade is exposed by the obstructions and burdens which a system of discriminating and countervailing duties necessarily produces.

The selection and preparation of the Florida archives for the purpose of being delivered over to the United States, in conformity with the royal order as mentioned in my last annual message, though in progress, has not yet been completed. This delay has been produced partly by causes which were unavoidable, particularly the prevalence of the cholera at Havana; but measures have been taken which it is believed will expedite the delivery of those important records.

Congress were informed at the opening of the last session that "owing, as was alleged, to embarrassments in the finances of Portugal, consequent upon the civil war in which that nation was engaged," payment had been made of only one installment of the amount which the Portuguese Government had stipulated to pay for indemnifying our citizens for property illegally captured in the blockade of Terceira. Since that time a postponement for two years, with interest, of the two remaining installments was requested by the Portuguese Government, and as a consideration it offered to stipulate that rice of the United States should be admitted into Portugal at the same duties as Brazilian rice. Being satisfied that no better arrangement could be made, my consent was given, and a royal order of the King of Portugal was accordingly issued on the 4th of February last for the reduction of the duty on rice of the United States. It would give me great pleasure if in speaking of that country, in whose prosperity the United States are so much interested, and with whom a long-subsisting, extensive, and mutually advantageous commercial intercourse has strengthened the relations of friendship, I could announce to you the restoration of its internal tranquillity.

Subsequently to the commencement of the last session of Congress the final installment payable by Denmark under the convention of the 28th day of March, 1830, was received. The commissioners for examining the claims have since terminated their labors, and their awards have been paid at the Treasury as they have been called for. The justice rendered to our citizens by that Government is thus completed, and a pledge is thereby afforded for the maintenance of that friendly intercourse becoming the relations that the two nations mutually bear to each other.

It is satisfactory to inform you that the Danish Government have recently issued an ordinance by which the commerce with the island of St. Croix is placed on a more liberal footing than heretofore. This change can not fail to prove beneficial to the trade between the United States and that colony, and the advantages likely to flow from it may lead to greater relaxations in the colonial systems of other nations.

The ratifications of the convention with the King of the Two Sicilies have been duly exchanged, and the commissioners appointed for examining the claims under it have entered upon the duties assigned to them by law. The friendship that the interests of the two nations require of them being now established, it may be hoped that each will enjoy the benefits which a liberal commerce should yield to both.

A treaty of amity and commerce between the United States and Belgium was concluded during the last winter and received the sanction of the Senate, but the exchange of the ratifications has been hitherto delayed, in consequence, in the first instance, of some delay in the reception of the treaty at Brussels, and, subsequently, of the absence of the Belgian minister of foreign affairs at the important conferences in which his Government is engaged at London. That treaty does but embody those enlarged principles of friendly policy which it is sincerely hoped will always regulate the conduct of the two nations having such strong motives to maintain amicable relations toward each other and so sincerely desirous to cherish them.

With all the other European powers with whom the United States have formed diplomatic relations and with the Sublime Porte the best understanding prevails. From all I continue to receive assurances of good will toward the United States—assurances which it gives me no less pleasure to reciprocate than to receive. With all, the engagements which have been entered into are fulfilled with good faith on both sides. Measures have also been taken to enlarge our friendly relations and extend our commercial intercourse with other States. The system we have pursued of aiming at no exclusive advantages, of dealing with all on terms of fair and equal reciprocity, and of adhering scrupulously to all our engagements is well calculated to give success to efforts intended to be mutually beneficial.

The wars of which the southern part of this continent was so long the theater, and which were carried on either by the mother country against the States which had formerly been her colonies or by the States against each other, having terminated, and their civil dissensions having so far subsided as with few exceptions no longer to disturb the public tranquillity, it is earnestly hoped those States will be able to employ themselves without interruption in perfecting their institutions, cultivating the arts of peace, and promoting by wise councils and able exertions the public and private prosperity which their patriotic struggles so well entitle them to enjoy.

With those States our relations have undergone but little change during the present year. No reunion having yet taken place between the States which composed the Republic of Colombia, our chargé d'affaires at Bogota has been accredited to the Government of New Grenada, and we have, therefore, no diplomatic relations with Venezuela and Equator, except as they may be included in those heretofore formed with the Colombian Republic.

It is understood that representatives from the three States were about to assemble at Bogota to confer on the subject of their mutual interests, particularly that of their union, and if the result should render it necessary, measures will be taken on our part to preserve with each that friendship and those liberal commercial connections which it has been the constant desire of the United States to cultivate with their sister Republics of this hemisphere. Until the important question of reunion shall be settled, however, the different matters which have been under discussion between the United States and the Republic of Colombia, or either of the States which composed it, are not likely to be brought to a satisfactory issue.

In consequence of the illness of the chargé d'affaires appointed to Central America at the last session of Congress, he was prevented from proceeding on his mission until the month of October. It is hoped, however, that he is by this time at his post, and that the official intercourse, unfortunately so long interrupted, has been thus renewed on the part of the two nations so amicably and advantageously connected by engagements founded on the most enlarged principles of commercial reciprocity.

It is gratifying to state that since my last annual message some of the most important claims of our fellow-citizens upon the Government of Brazil have been satisfactorily adjusted, and a reliance is placed on the friendly dispositions manifested by it that justice will also be done in others. No new causes of complaint have arisen, and the trade between the two countries flourishes under the encouragement secured to it by the liberal provisions of the treaty.

It is cause of regret that, owing, probably, to the civil dissensions which have occupied the attention of the Mexican Government, the time fixed by the treaty of limits with the United States for the meeting of the commissioners to define the boundaries between the two nations has been suffered to expire without the apppointment of any commissioners on the part of that Government. While the true boundary remains in doubt by either party it is difficult to give effect to those measures which are necessary to the protection and quiet of our numerous citizens residing near that frontier. The subject is one of great solicitude to the United States, and will not fail to receive my earnest attention.

The treaty concluded with Chili and approved by the Senate at its last session was also ratified by the Chilian Government, but with certain additional and explanatory articles of a nature to have required it to be again submitted to the Senate. The time limited for the exchange of the ratifications, however, having since expired, the action of both Governments on the treaty will again become necessary.

The negotiations commenced with the Argentine Republic relative to the outrages committed on our vessels engaged in the fisheries at the Falkland Islands by persons acting under the color of its authority, as well as the other matters in controversy between the two Governments, have been suspended by the departure of the chargé d'affaires of the United States from Buenos Ayres. It is understood, however, that a minister was subsequently appointed by that Government to renew the negotiation in the United States, but though daily expected he has not yet arrived in this country.

With Peru no treaty has yet been formed, and with Bolivia no diplomatic intercourse has yet been established. It will be my endeavor to encourage those sentiments of amity and that liberal commerce which belong to the relations in which all the independent States of this continent stand toward each other.

I deem it proper to recommend to your notice the revision of our consular system. This has become an important branch of the public service, inasmuch as it is intimately connected with the preservation of our national character abroad, with the interest of our citizens in foreign countries, with the regulation and care of our commerce, and with the protection of our seamen. At the close of the last session of Congress I communicated a report from the Secretary of State upon the subject, to which I now refer, as containing information which may be useful in any inquiries that Congress may see fit to institute with a view to a salutary reform of the system.

It gives me great pleasure to congratulate you upon the prosperous condition of the finances of the country, as will appear from the report which the Secretary of the Treasury will in due time lay before you. The receipts into the Treasury during the present year will amount to more than $32,000,000. The revenue derived from customs will, it is believed, be more than $28,000,000, and the public lands will yield about $3,000,000. The expenditures within the year for all objects, including $2,572,240.99 on account of the public debt, will not amount to $25,000,000, and a large balance will remain in the Treasury after satisfying all the appropriations chargeable on the revenue for the present year.

The measures taken by the Secretary of the Treasury will probably enable him to pay off in the course of the present year the residue of the exchanged 4½ per cent stock. redeemable on the 1st of January next. It has therefore been included in the estimated expenditures of this year, and forms a part of the sum above stated to have been paid on account of the public debt. The payment of this stock will reduce the whole debt of the United States, funded and unfunded, to the sum of $4,760,082.08, and as provision has already been made for the 4½ percents above mentioned, and charged in the expenses of the present year, the sum last stated is all that now remains of the national debt; and the revenue of the coming year, together with the balance now in the Treasury, will be sufficient to discharge it, after meeting the current expenses of the Government. Under the power given to the commissioners of the sinking fund, it will, I have no doubt, be purchased on favorable terms within the year.

From this view of the state of the finances and the public engagements yet to be fulfilled you will perceive that if Providence permits me to meet you at another session I shall have the high gratification of announcing to you that the national debt is extinguished. I can not refrain from expressing the pleasure I feel at the near approach of that desirable event. The short period of time within which the public debt will have been discharged is strong evidence of the abundant resources of the country and of the prudence and economy with which the Government has heretofore been administered. We have waged two wars since we became a nation, with one of the most powerful kingdoms in the world, both of them undertaken in defense of our dearest rights, both successfully prosecuted and honorably terminated; and many of those who partook in the first struggle as well as in the second will have lived to see the last item of the debt incurred in these necessary but expensive conflicts faithfully and honestly discharged. And we shall have the proud satisfaction of bequeathing to the public servants who follow us in the administration of the Government the rare blessing of a revenue sufficiently abundant, raised without injustice or oppression to our citizens, and unencumbered with any burdens but what they themselves shall think proper to impose upon it.

The flourishing state of the finances ought not, however, to encourage us to indulge in a lavish expenditure of the public treasure. The receipts of the present year do not furnish the test by which we are to estimate the income of the next. The changes made in our revenue system by the acts of Congress of 1832 and 1833, and more especially by the former, have swelled the receipts of the present year far beyond the amount to be expected in future years upon the reduced tariff of duties. The shortened credits on revenue bonds and the cash duties on woolens which were introduced by the act of 1832, and took effect on the 4th of March last, have brought large sums into the Treasury in 1833, which, according to the credits formerly given, would not have been payable until 1834, and would have formed a part of the income of that year. These causes would of themselves produce a great diminution of the receipts in the year 1834 as compared with the present one, and they will be still more diminished by the reduced rates of duties which take place on the 1st of January next on some of the most important and productive articles. Upon the best estimates that can be made the receipts of the next year, with the aid of the unappropriated amount now in the Treasury, will not be much more than sufficient to meet the expenses of the year and pay the small remnant of the national debt which yet remains unsatisfied. I can not, therefore, recommend to you any alteration in the present tariff of duties. The rate as now fixed by law on the various articles was adopted at the last session of Congress, as a matter of compromise, with unusual unanimity, and unless it is found to produce more than the necessities of the Government call for there would seem to be no reason at this time to justify a change.

But while I forbear to recommend any further reduction of the duties beyond that already provided for by the existing laws, I must earnestly and respectfully press upon Congress the importance of abstaining from all appropriations which are not absolutely required for the public interest and authorized by the powers clearly delegated to the United States. We are beginning a new era in our Government. The national debt, which has so long been a burden on the Treasury, will be finally discharged in the course of the ensuing year. No more money will afterwards be needed than what may be necessary to meet the ordinary expenses of the Government. Now, then, is the proper moment to fix our system of expenditure on firm and durable principles, and I can not too strongly urge the necessity of a rigid economy and an inflexible determination not to enlarge the income beyond the real necessities of the Government and not to increase the wants of the Government by unnecessary and profuse expenditures. If a contrary course should be pursued, it may happen that the revenue of 1834 will fall short of the demands upon it, and after reducing the tariff in order to lighten the burdens of the people, and providing for a still further reduction to take effect hereafter, it would be much to be deplored if at the end of another year we should find ourselves obliged to retrace our steps and impose additional taxes to meet unnecessary expenditures.

It is my duty on this occasion to call your attention to the destruction of the public building occupied by the Treasury Department, which happened since the last adjournment of Congress. A thorough inquiry into the causes of this loss was directed and made at the time, the result of which will be duly communicated to you. I take pleasure, however, in stating here that by the laudable exertions of the officers of the Department and many of the citizens of the District but few papers were lost, and none that will materially affect the public interest.

The public convenience requires that another building should be erected as soon as practicable, and in providing for it it will be advisable to enlarge in some manner the accommodations for the public officers of the several Departments, and to authorize the erection of suitable depositories for the safe-keeping of the public documents and records.

Since the last adjournment of Congress the Secretary of the Treasury has directed the money of the United States to be deposited in certain State banks designated by him, and he will immediately lay before you his reasons for this direction. I concur with him entirely in the view he has taken of the subject, and some months before the removal I urged upon the Department the propriety of taking that step. The near approach of the day on which the charter will expire, as well as the conduct of the bank, appeared to me to call for this measure upon the high considerations of public interest and public duty. The extent of its misconduct, however, although known to be great, was not at that time fully developed by proof. It was not until late in the month of August that I received from the Government directors an official report establishing beyond question that this great and powerful institution had been actively engaged in attempting to influence the elections of the public officers by means of its money, and that, in violation of the express provisions of its charter, it had by a formal resolution placed its funds at the disposition of its president to be employed in sustaining the political power of the bank. A copy of this resolution is contained in the report of the Government directors before referred to, and however the object may be disguised by cautious language, no one can doubt that this money was in truth intended for electioneering purposes, and the particular uses to which it was proved to have been applied abundantly show that it was so understood. Not only was the evidence complete as to the past application of the money and power of the bank to electioneering purposes, but that the resolution of the board of directors authorized the same course to be pursued in future.

It being thus established by unquestionable proof that the Bank of the United States was converted into a permanent electioneering engine, it appeared to me that the path of duty which the executive department of the Government ought to pursue was not doubtful. As by the terms of the bank charter no officer but the Secretary of the Treasury could remove the deposits, it seemed to me that this authority ought to be at once exerted to deprive that great corporation of the support and countenance of the Government in such an use of its funds and such an exertion of its power. In this point of the case the question is distinctly presented whether the people of the United States are to govern through representatives chosen by their unbiased suffrages or whether the money and power of a great corporation are to be secretly exerted to influence their judgment and control their decisions. It must now be determined whether the bank is to have its candidates for all offices in the country, from the highest to the lowest, or whether candidates on both sides of political questions shall be brought forward as heretofore and supported by the usual means.

At this time the efforts of the bank to control public opinion, through the distresses of some and the fears of others, are equally apparent, and, if possible, more objectionable. By a curtailment of its accommodations more rapid than any emergency requires, and even while it retains specie to an almost unprecedented amount in its vaults, it is attempting to produce great embarrassment in one portion of the community, while through presses known to have been sustained by its money it attempts by unfounded alarms to create a panic in all.

These are the means by which it seems to expect that it can force a restoration of the deposits, and as a necessary consequence extort from Congress a renewal of its charter. I am happy to know that through the good sense of our people the effort to get up a panic has hitherto failed, and that through the increased accommodations which the State banks have been enabled to afford, no public distress has followed the exertions of the bank, and it can not be doubted that the exercise of its power and the expenditure of its money, as well as its efforts to spread groundless alarm, will be met and rebuked as they deserve. In my own sphere of duty I should feel myself called on by the facts disclosed to order a *scire facias* against the bank, with a view to put an end to the chartered rights it has so palpably violated, were it not that the charter itself will expire as soon as a decision would probably be obtained from the court of last resort.

I called the attention of Congress to this subject in my last annual message, and informed them that such measures as were within the reach of the Secretary of the Treasury had been taken to enable him to judge whether the public deposits in the Bank of the United States were entirely safe; but that as his single powers might be inadequate to the object, I recommended the subject to Congress as worthy of their serious investigation, declaring it as my opinion that an inquiry into the transactions of that institution, embracing the branches as well as the principal bank, was called for by the credit which was given throughout the country to many serious charges impeaching their character, and which, if true, might justly excite the apprehension that they were no longer a safe depository for the public money. The extent to which the examination thus recommended was gone into is spread upon your journals, and is too well known to require to be stated. Such as was made resulted in a report from a majority of the Committee of Ways and Means touching certain specified points only, concluding with a resolution that the Government deposits might safely be continued in the Bank of the United States. This resolution was adopted at the close of the session by the vote of a majority of the House of Representatives.

Although I may not always be able to concur in the views of the public interest or the duties of its agents which may be taken by the other departments of the Government or either of its branches, I am, notwithstanding, wholly incapable of receiving otherwise than with the most sincere respect all opinions or suggestions proceeding from such a source, and in respect to none am I more inclined to do so than to the House of Representatives. But it will be seen from the brief views at this time taken of the subject by myself, as well as the more ample ones presented by the Secretary of the Treasury, that the change in the deposits which has been ordered has been deemed to be called for by considerations which are not affected by the proceedings referred to, and which, if correctly viewed by that Department, rendered its act a matter of imperious duty.

Coming as you do, for the most part, immediately from the people and the States by election, and possessing the fullest opportunity to know their sentiments, the present Congress will be sincerely solicitous to carry into full and fair effect the will of their constituents in regard to this institution. It will be for those in whose behalf we all act to decide whether the executive department of the Government, in the steps which it has taken on this subject, has been found in the line of its duty.

The accompanying report of the Secretary of War, with the documents annexed to it, exhibits the operations of the War Department for the past year and the condition of the various subjects intrusted to its administration.

It will be seen from them that the Army maintains the character it has heretofore acquired for efficiency and military knowledge. Nothing has occurred since your last session to require its services beyond the ordinary routine of duties which upon the seaboard and the inland frontier devolve upon it in a time of peace. The system so wisely adopted and so long pursued of constructing fortifications at exposed points and of preparing and collecting the supplies necessary for the military defense of the country, and thus providently furnishing in peace the means of defense in war, has been continued with the usual results. I recommend to your consideration the various subjects suggested in the report of the Secretary of War. Their adoption would promote the public service and meliorate the condition of the Army.

Our relations with the various Indian tribes have been undisturbed since the termination of the difficulties growing out of the hostile aggressions of the Sac and Fox Indians. Several treaties have been formed for the relinquishment of territory to the United States and for the migration of the occupants of the region assigned for their residence west of the Mississippi. Should these treaties be ratified by the Senate, provision will have been made for the removal of almost all the tribes now remaining east of that river and for the termination of many difficult and embarrassing questions arising out of their anomalous political condition. It is to be hoped that those portions of two of the Southern tribes, which in that event will present the only remaining difficulties, will realize the necessity of emigration, and will speedily resort to it. My original convictions upon this subject have been confirmed by the course of events for several years, and experience is every day adding to their strength.

That those tribes can not exist surrounded by our settlements and in continual contact with our citizens is certain. They have neither the intelligence, the industry, the moral habits, nor the desire of improvement which are essential to any favorable change in their condition. Established in the midst of another and a superior race, and without appreciating the causes of their inferiority or seeking to control them, they must necessarily yield to the force of circumstances and ere long disappear. Such has been their fate heretofore, and if it is to be averted—and it is—it can only be done by a general removal beyond our boundary and by the reorganization of their political system upon principles adapted to the new relations in which they will be placed. The experiment which has been recently made has so far proved successful. The emigrants generally are represented to be prosperous and contented, the country suitable to their wants and habits, and the essential articles of subsistence easily procured. When the report of the commissioners now engaged in investigating the condition and prospects of these Indians and in devising a plan for their intercourse and government is received, I trust ample means of information will be in possession of the Government for adjusting all the unsettled questions connected with this interesting subject.

The operations of the Navy during the year and its present condition are fully exhibited in the annual report from the Navy Department.

Suggestions are made by the Secretary of various improvements, which deserve careful consideration, and most of which, if adopted, bid fair to promote the efficiency of this important branch of the public service. Among these are the new organization of the Navy Board, the revision of the pay to officers, and a change in the period of time or in the manner of making the annual appropriations, to which I beg leave to call your particular attention.

The views which are presented on almost every portion of our naval concerns, and especially on the amount of force and the number of officers, and the general course of policy appropriate in the present state of our country for securing the great and useful purposes of naval protection in peace and due preparation for the contingencies of war, meet with my entire approbation.

It will be perceived from the report referred to that the fiscal concerns of the establishment are in an excellent condition, and it is hoped that Congress may feel disposed to make promptly every suitable provision desired either for preserving or improving the system.

The general Post-Office Department has continued, upon the strength of its own resources, to facilitate the means of communication between the various portions of the Union with increased activity. The method, however, in which the accounts of the transportation of the mail have always been kept appears to have presented an imperfect view of its expenses. It has recently been discovered that from the earliest records of the Department the annual statements have been calculated to exhibit an amount considerably short of the actual expense incurred for that service. These illusory statements, together with the expense of carrying into effect the law of the last session of Congress establishing new mail routes, and a disposition on the part of the head of the Department to gratify the wishes of the public in the extension of mail facilities, have induced him to incur responsibilities for their improvement beyond what the current resources of the Department would sustain. As soon as he had discovered the imperfection of the method he caused an investigation to be made of its results and applied the proper remedy to correct the evil. It became necessary for him to withdraw some of the improvements which he had made to bring the expenses of the Department within its own resources. These expenses were incurred for the public good, and the public have enjoyed their benefit. They are now but partially suspended, and that where they may be discontinued with the least inconvenience to the country.

The progressive increase in the income from postages has equaled the highest expectations, and it affords demonstrative evidence of the growing importance and great utility of this Department. The details are exhibited in the accompanying report of the Postmaster-General.

The many distressing accidents which have of late occurred in that portion of our navigation carried on by the use of steam power deserve the immediate and unremitting attention of the constituted authorities of the country. The fact that the number of those fatal disasters is constantly increasing, notwithstanding the great improvements which are everywhere made in the machinery employed and in the rapid advances which have been made in that branch of science, shows very clearly that they are in a great degree the result of criminal negligence on the part of those by whom the vessels are navigated and to whose care and attention the lives and property of our citizens are so extensively intrusted.

That these evils may be greatly lessened, if not substantially removed, by means of precautionary and penal legislation seems to be highly probable. So far, therefore, as the subject can be regarded as within the constitutional purview of Congress I earnestly recommend it to your prompt and serious consideration.

I would also call your attention to the views I have heretofore expressed of the propriety of amending the Constitution in relation to the mode of electing the President and the Vice-President of the United States. Regarding it as all important to the future quiet and harmony of the people that every intermediate agency in the election of these officers should be removed and that their eligibility should be limited to one term of either four or six years, I can not too earnestly invite your consideration of the subject.

Trusting that your deliberations on all the topics of general interest to which I have adverted, and such others as your more extensive knowledge of the wants of our beloved country may suggest, may be crowned with success, I tender you in conclusion the cooperation which it may be in my power to afford them.

ANDREW JACKSON.

SPECIAL MESSAGES.

WASHINGTON, *December 5, 1833.*

To the Senate of the United States:

In compliance with the resolution of the Senate at its last session, requesting the President "to cause to be prepared and laid before the Senate at the commencement of its next session a plan for equalizing the pay of the officers in the Army and Navy according to their relative rank, and providing a stated salary or fixed compensation for their services in lieu of present allowances," I submit herewith a report from the Secretaries of the War and Navy Departments, to whom the subject was referred. It is believed the plan they have presented meets substantially the objects of the resolution.

ANDREW JACKSON.

WASHINGTON, *December 6, 1833.*

To the House of Representatives:

I transmit herewith to the House of Representatives a communication from the War Department, showing the circumstances under which the sum of $5,000, appropriated for subsistence of the Army, was transferred to the service of the medical and hospital department, and which, by the law authorizing the transfer, are required to be laid before Congress during the first week of their session.

ANDREW JACKSON.

WASHINGTON, *December 6, 1833.*

To the House of Representatives:

I transmit herewith, for the information of the House, the report of the survey made in pursuance of the fourth section of the act of Congress of the 4th July, 1832, authorizing the survey of canal routes in the Territory of Florida.

ANDREW JACKSON.

WASHINGTON, *December 11, 1833.*

To the House of Representatives:

I transmit herewith a report from the Secretary of the Treasury, exhibiting certain transfers of appropriations that have been made in that Department in pursuance of the power vested in the President by the first section of the act of Congress of the 3d March, 1809, entitled "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments."

ANDREW JACKSON.

WASHINGTON, *December 12, 1833.*

To the Senate of the United States:

I have attentively considered the resolution of the Senate of the 11th instant, requesting the President of the United States to communicate to the Senate "a copy of the paper which has been published, and which purports to have been read by him to the heads of the Executive Departments, dated the 18th day of September last, relating to the removal of the deposits of the public money from the Bank of the United States and its offices."

The executive is a coordinate and independent branch of the Government equally with the Senate, and I have yet to learn under what constitutional authority that branch of the Legislature has a right to require of me an account of any communication, either verbally or in writing, made to the heads of Departments acting as a Cabinet council. As well might I be required to detail to the Senate the free and private conversations I have held with those officers on any subject relating to their duties and my own.

Feeling my responsibility to the American people, I am willing upon all occasions to explain to them the grounds of my conduct, and I am willing upon all proper occasions to give to either branch of the Legislature any information in my possession that can be useful in the execution of the appropriate duties confided to them.

Knowing the constitutional rights of the Senate, I shall be the last man under any circumstances to interfere with them. Knowing those of the Executive, I shall at all times endeavor to maintain them agreeably to the provisions of the Constitution and the solemn oath I have taken to support and defend it.

I am constrained, therefore, by a proper sense of my own self-respect and of the rights secured by the Constitution to the executive branch of the Government to decline a compliance with your request.

ANDREW JACKSON.

WASHINGTON, *December 23, 1833.*

To the House of Representatives:

The rules and regulations herewith submitted have been prepared by a board of officers in conformity with an act passed May 19, 1832.*

They are approved by me, and in pursuance of the provisions of said act are now communicated to the House of Representatives for the purpose of obtaining to them the sanction of Congress.

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* An act authorizing the revision and extension of the rules and regulations of the naval service.

ANDREW JACKSON.

WASHINGTON, *December 24, 1833.*

To the Senate:

I transmit herewith, for the consideration of the Senate as to the ratification thereof, the following Indian treaties that have been received since the adjournment of the last session of Congress, viz:

No. 1. Treaty with the Seminole Indians, made May 9, 1832.

No. 2. Treaty with the Cherokees west of the Mississippi, made 14th February, 1833.

No. 3. Treaty with the Creeks west of the Mississippi, made 14th February, 1833.

No. 4. Assignment to the Seminoles of a tract of land for their residence west of the Mississippi, made 28th March, 1833.

No. 5. Agreement with the Apalachicola band of Indians, made 18th June, 1833.

No. 6. Treaty with the united bands of Ottoes and Missourians, made 21st September, 1833.

No. 7. Treaty with the four confederated bands of Pawnees residing on the Platt and Loup Fork, made 9th October, 1833.

ANDREW JACKSON.

WASHINGTON, *January 6, 1834.*

To the Senate and House of Representatives:

I communicate to Congress an extract of a letter recently received from R. J. Leib, consul of the United States at Tangier, by which it appears that that officer has been induced to receive from the Emperor of Morocco a present of a lion and two horses, which he holds as belonging to the United States. There being no funds at the disposal of the Executive applicable to the objects stated by Mr. Leib, I submit the whole subject to the consideration of Congress for such direction as in their wisdom may seem proper.

I have directed instructions to be given to all our ministers and agents abroad requiring that in future, unless previously authorized by Congress, they will not under any circumstances accept presents of any description from any foreign state.

I deem it proper on this occasion to invite the attention of Congress to the presents which have heretofore been made to our public officers, and which have been deposited under the orders of the Government in the Department of State. These articles are altogether useless to the Government, and the care and preservation of them in the Department of State are attended with considerable inconvenience.

The provision of the Constitution which forbids any officer, without the consent of Congress, to accept any present from any foreign power may be considered as having been satisfied by the surrender of the articles to the Government, and they might now be disposed of by Congress to those for whom they were originally intended, or to their heirs, with obvious propriety in both cases, and in the latter would be received as grateful memorials of the surrender of the present.

As under the positive order now given similar presents can not hereafter be received, even for the purpose of being placed at the disposal of the Government, I recommend to Congress to authorize by law that the articles already in the Department of State shall be delivered to the persons to whom they were originally presented, if living, and to the heirs of such as may have died.

ANDREW JACKSON.

WASHINGTON, *January 7, 1834.*

To the House of Representatives:

In compliance with the resolution requesting the President of the United States to lay before the House "a copy of any contract which may have been made for the construction of a bridge across the Potomac opposite to the city of Washington, together with the authority under which such contract may have been made, the names of the contractors and their securities, if any, and the plan and estimate of the cost of such a bridge," I transmit herewith a report from the Secretary of the Treasury, to whom the resolution was referred, containing all the information upon the subject which he is now able to communicate.

ANDREW JACKSON.

WASHINGTON, *January 9, 1834.*

To the Senate of the United States:

I transmit to the Senate, for their constitutional action, a treaty concluded between the commissioners on the part of the United States and the united nation of Chippewas, Ottawas, and Potawatamies, at Chicago, on the 26th of September, 1833, to the cession of certain lands in the State of Illinois and Territory of Michigan.

I transmit also sundry documents relating thereto that I think proper should be laid before the Senate.

I understand the country ceded by this treaty is considered a valuable one and its acquisition important to that section of the Union. Under these circumstances, as the objection to a ratification applies to those stipulations in the third article which provide that $100,000 and $150,000 shall be granted in satisfaction of claims to reservations and for debts due from the Indians to individuals, I recommend that the treaty be ratified with the condition that an agent be appointed to proceed to Chicago and investigate the justice of these claims. If they are all well founded and have been assented to by the Indians with a full knowledge of the circumstances, a proper investigation of them will do the claimants no injury, but will place the matter beyond suspicion. If, on the other hand, they are unjust and have not been fully understood by the Indians, the fraud will in that event vitiate them, and they ought not to be paid. To the United States, in a mere pecuniary point of view, it is of no importance to whom the money provided by this treaty is paid. They stipulate to pay a given amount, and that amount they must pay, but the consideration is yielded by the Indians, and they are entitled to its value. Whatever is granted in claims must be withheld from them, and if not so granted it becomes theirs. Considering the relations in which the Indians stand to the United States, it appears to me just to exercise their supervisory authority. It has been done in more than one instance, and as its object in this case is to ascertain whether any fraud exists, and if there does to correct it, I consider such a ratification within the proper scope of the treaty-making power.

ANDREW JACKSON.

WASHINGTON, *January 22, 1834.*

To the Senate:

I transmit to the Senate a report* from the Secretary of State, containing the information requested by their resolution of the 9th instant, with the documents which accompany that report.

ANDREW JACKSON.

WASHINGTON, *January 25, 1834.*

To the House of Representatives of the United States:

I transmit herewith to the House of Representatives a letter from the Secretary of State, together with the accompanying papers, relating to a claim preferred to that Department, through the British legation at Washington, for indemnification for losses alleged to have been sustained by the owners of the ship *Francis and Eliza*, libeled at New Orleans in 1819, and condemned and sold by the sentence and decree of the district court of the United States for the district of Louisiana, but afterwards restored upon an appeal to the Supreme Court of the United States, that such legislative provision may be made by Congress in behalf of those interested as shall appear just and proper in the case.

ANDREW JACKSON.

FEBRUARY 4, 1834.

To the Senate and House of Representatives:

I deem it my duty to communicate to Congress the recent conduct of the Bank of the United States in refusing to deliver the books, papers, and funds in its possession relating to the execution of the act of Congress of June 7, 1832, entitled "An act supplementary to the 'Act for the relief of certain surviving officers and soldiers of the Revolution.'" The correspondence reported by the Secretary of War, and herewith transmitted, will show the grounds assumed by the bank to justify its refusal to make the transfer directed by the War Department. It does not profess to claim the privilege of this agency as a right secured to it by contract, nor as a benefit conferred by the Government, but as a burden, from which it is willing to be relieved. It places its refusal upon the extraordinary ground that the corporation has a right to sit in judgment upon the legality of the acts of the constituted authorities in a matter in which the stockholders are admitted to have no interest, and it impedes and defeats, as far as its power will permit, the execution of a measure of the Administration, because the opinion of the corporation upon the construction of an act of Congress differs from that of the proper officers of the United States.

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* Relating to presents from foreign governments to officers of the United States.

The claim of this corporation thus to usurp the functions of the judicial power and to prescribe to the executive department the manner in which it shall execute the trust confided to it by law is without example in the history of our country. If the acts of the public servants, who are responsible to the people for the manner in which they execute their duty, may thus be checked and controlled by an irresponsible money corporation, then indeed the whole frame of our Government is changed, and we have established a power in the Bank of the United States above what we derive from the people.

It will be seen from the accompanying statement (marked A) that according to the latest accounts received at the War Department the Bank of the United States and its branches have in their possession near half a million of the public money, received by them under the law of 1832, which they have not yet accounted for, and which they refuse to pay over to the proper agents for the use of those persons for whose benefit it was withdrawn from the Treasury. It is to be regretted that this attempt on the part of the bank to guide and direct the Executive upon the construction and execution of an act of Congress should have been put forward and insisted on in a case where the immediate sufferers from their conduct will be the surviving veterans of the Revolutionary war, for this evil falls exclusively upon the gallant defenders of their country and delays and embarrasses the payment of the debt which the gratitude of the nation has awarded to them, and which in many instances is necessary for their subsistence and comfort in their declining years.

The character of the claim set up by the bank and the interest of the parties to be immediately affected by it make it my duty to submit the whole subject to the consideration of Congress, and I leave it to their wisdom to adopt such measures as the honor of the Government and the just claims of the individuals injured by the proceedings may be deemed to require.

Having called for the opinion of the Attorney-General upon this occasion with a view to a thorough investigation of the question which has thus been presented for my consideration, I inclose a copy of the report of that officer and add my entire concurrence in the views he has taken.

ANDREW JACKSON.

WASHINGTON, *February 12, 1834.*

To the House of Representatives:

I transmit to the House of Representatives a report* from the Secretary of State, in relation to the subject of a resolution of the 8th of this month.

ANDREW JACKSON.

WASHINGTON, *February 12, 1834.*

To the House of Representatives:

I transmit to the House of Representatives a report from the Secretary of State, containing the information requested† by the resolution of the 14th ultimo, with the documents which accompanied that report.

ANDREW JACKSON.

WASHINGTON, *February 22, 1834.*

To the Senate of the United States:

I transmit herewith to the Senate, for their advice concerning its ratification, an additional and explanatory convention to the treaty of peace, amity, commerce, and navigation between the United States and the Republic of Chile, which additional and explanatory convention was concluded at the city of Santiago by the plenipotentiaries of the United States and of Chile on the 1st of September, 1833. I also transmit a report from the Secretary of State on the subject.

ANDREW JACKSON.

WASHINGTON, *March 8, 1834.*

To the House of Representatives:

I transmit herewith to the House a report from the Secretary of State, containing the instructions and other papers called for by the resolution of the House of the 14th ultimo, "relative to the trade between the United States and the islands of Cuba and Porto Rico," etc.

ANDREW JACKSON.

WASHINGTON, *March 11, 1834.*

To the Senate:

I renominate Henry D. Gilpin, Peter Wager, and John T. Sullivan, of Philadelphia, and Hugh McEldery, of Baltimore, to be directors in the Bank of the United States for the year 1834.

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* Relating to the boundary line between Georgia and Florida.

† List of presents from foreign governments to officers of the United States, deposited in the State Department.

I disclaim all pretension of right on the part of the President officially to inquire into or call in question the reasons of the Senate for rejecting any nomination whatsoever. As the President is not responsible to them for the reasons which induce him to make a nomination, so they are not responsible to him for the reasons which induce them to reject it. In these respects each is independent of the other and both responsible to their respective constituents. Nevertheless, the attitude in which certain vital interests of the country are placed by the rejection of the gentlemen now renominated require of me frankly to communicate my views of the consequences which must necessarily follow this act of the Senate if it be not reconsidered.

The characters and standing of these gentlemen are well known to the community, and eminently qualify them for the offices to which I propose to appoint them. Their confirmation by the Senate at its last session to the same offices is proof that such was the opinion of them entertained by the Senate at that time, and unless something has occurred since to change it this act may now be referred to as evidence that their talents and pursuits justified their selection. The refusal, however, to confirm their nominations to the same offices shows that there is something in the conduct of these gentlemen during the last year which, in the opinion of the Senate, disqualifies them, and as no charge has been made against them as men or citizens, nothing which impeaches the fair private character they possessed when the Senate gave them their sanction at its last session, and as it, moreover, appears from the Journal of the Senate recently transmitted for my inspection that it was deemed unnecessary to inquire into their qualifications or character, it is to be inferred that the change in the opinion of the Senate has arisen from the official conduct of these gentlemen. The only circumstances in their official conduct which have been deemed of sufficient importance to attract public attention are the two reports made by them to the executive department of the Government, the one bearing date the 22d day of April and the other the 19th day of August last, both of which reports were communicated to the Senate by the Secretary of the Treasury with his reasons for removing the deposit.

The truth of the facts stated in these reports is not, I presume, questioned by anyone. The high character and standing of the citizens by whom they were made prevent any doubt upon the subject. Indeed, the statements have not been denied by the president of the bank and the other directors. On the contrary, they have insisted that they were authorized to use the money of the bank in the manner stated in the two reports, and have not denied that the charges there made against the corporation are substantially true.

It must be taken, therefore, as admitted that the statements of the public directors in the reports above mentioned are correct, and they disclose the most alarming abuses on the part of the corporation and the most strenuous exertions on their part to put an end to them. They prove that enormous sums were secretly lavished in a manner and for purposes that can not be justified, and that the whole of the immense capital of the bank has been virtually placed at the disposal of a single individual, to be used, if he thinks proper, to corrupt the press and to control the proceedings of the Government by exercising an undue influence over elections.

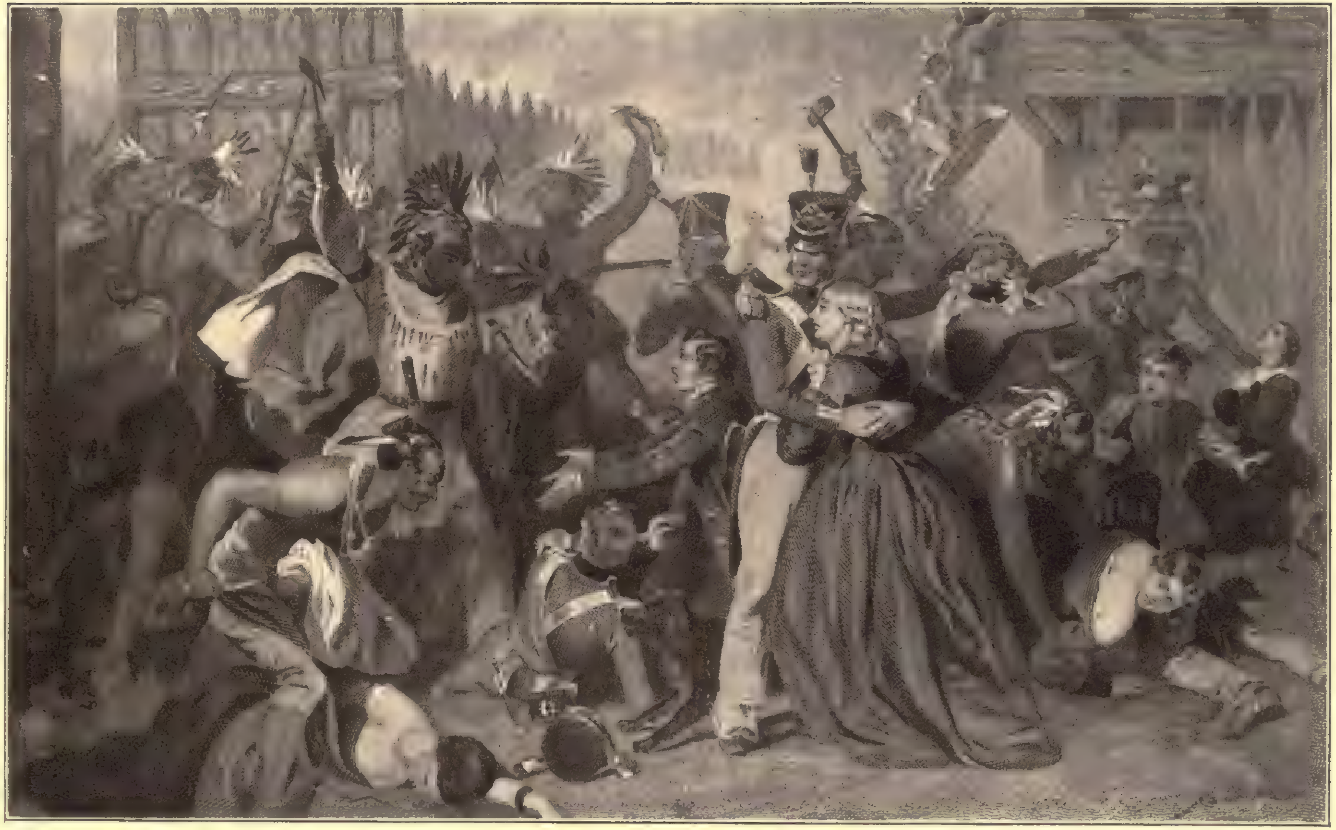
The reports are made in obedience to my official directions, and I herewith transmit copies of my letters calling for information of the proceedings of the bank. Were they bound to disregard the call? Was it their duty to remain silent while abuses of the most injurious and dangerous character were daily practiced? Were they bound to conceal from the constituted authorities a course of measures destructive to the best interests of the country and intended gradually and secretly to subvert the foundations of our Government and to transfer its powers from the hands of the people to a great moneyed corporation? Was it their duty to sit in silence at the board and witness all these abuses without an attempt to correct them, or, in case of failure there, not to appeal to higher authority? The eighth fundamental rule authorizes any one of the directors, whether elected or appointed, who may have been absent when an excess of debt was created, or who may have dissented from the act, to exonerate himself from personal responsibility by giving notice of the fact to the President of the United States, thus recognizing the propriety of communicating to that officer the proceedings of the board in such cases. But independently of any argument to be derived from the principle recognized in the rule referred to, I can not doubt for a moment that it is the right and the duty of every director at the board to attempt to correct all illegal proceedings, and, in case of failure, to disclose them, and that every one of them, whether elected by the stockholders or appointed by the Government, who had knowledge of the facts and concealed them, would be justly amenable to the severest censure.

But in the case of the public directors it was their peculiar and official duty to make the disclosures, and the call upon them for information could not have been disregarded without a flagrant breach of their trust. The directors appointed by the United States can not be regarded in the light of the ordinary directors of a bank appointed by the stockholders and charged with the care of their pecuniary interests in the corporation. They have higher and more important duties. They are public officers. They are placed at the board not merely to represent the stock held by the United States, but to observe the conduct of the corporation and to watch over the public interests. It was foreseen that this great moneyed monopoly might be so managed as to endanger the interests of the country, and it was therefore deemed necessary as a measure of precaution to place at the board watchful sentinels, who should observe its conduct and stand ready to report to the proper officers of the Government every act of the board which might affect injuriously the interests of the people.

The whole frame of the charter, as well as the manner of their appointment, proves this to be their true character. The United States are not represented at the board by these directors merely on account of the stock held by the Government. The right of the United States to appoint directors and the number appointed do not depend upon the amount of the stock, for if every share should be sold and the United States cease to be a stockholder altogether, yet under the charter the right to appoint five directors would still remain. In such a case what would be the character of the directors? They would represent no stock and be chosen by no stockholders. Yet they would have a right to sit at the board, to vote on all questions submitted to it, and to be made acquainted with all the proceedings of the corporation. They would not in such a case be ordinary directors chosen by the stockholders in proportion to their stock, but they would be public officers, appointed to guard the public interest, and their duties must conform to their office. They are not the duties of an ordinary director chosen by a stockholder, but they are the peculiar duties of a public officer who is bound on all occasions to protect to the utmost of his lawful means the public interests, and, where his own authority is not sufficient to prevent injury, to inform those to whom the law has confided the necessary power. Such, then, is the character and such are the duties of the directors appointed by the United States, whether the public be stockholders or not. They are officers of the United States, and not the mere representatives of a stockholder.

The mode of their appointment and their tenure of office confirm this position. They are appointed like other officers of the Government and by the same authority. They do not hold their offices irrevocably a year after their appointment; on the contrary, by the express terms of the law, they are liable to be removed from office at any time by the President when in his judgment the public interest shall require it. In every aspect, therefore, in which the subject can be considered it is evident that the five directors appointed by the United States are to be regarded as public officers who are placed there in order to observe the conduct of the corporation and to prevent abuses which might otherwise be committed.

Such being the character of the directors appointed on behalf of the United States, it is obviously their duty to resist, and in case of failure to report to the President or to the Secretary of the Treasury, any proceedings of the board by which the public interests may be injuriously affected. The President may order a *scire facias* against the bank for a violation of its charter, and the Secretary of the Treasury is empowered to direct the money of the United States to be deposited elsewhere when in his judgment the public interest requires it to be done. The directors of this bank, like all others, are accustomed to sit with closed doors, and do not report their proceedings to any department of the Government.



MASSACRE AT FORT MIMS

INDIAN MASSACRE IN STRONGHOLD

The picture represents the massacre that occurred at Fort Mims on August 30, 1813, but it is typical of conditions in the sparsely settled districts for a decade thereafter.

When the Indians were seen to be wrought up and meditating an onslaught, the white settlers would gather in some house which could be defended. Thus, when the Creeks went on the warpath, Samuel Mims turned his house on the Alabama River into a fort, within whose walls were sheltered nearly six hundred men, women, children, Indians and militiamen. Twice they were warned that Indians were in the neighborhood, but each time they were incredulous. On the 30th, while the drums were beating the call to dinner, the Indians rushed in upon them. Of the five hundred and fifty-three inmates not more than twenty escaped instant death. Two hundred and fifty scalps were carried down to Pensacola on poles. The detachment sent to bury the dead found all of Fort Mims gone but a piece of the stockade and blockhouse. Wood and human ashes were mingled; buzzards and dogs crowded round the corpses on the field; and in some parts the bodies, terribly mutilated, were piled in heaps.

After such an outrage the Government adopted retaliatory measures. In some respects the war with the Indian has been one of extermination on our side as well as on his.

See the article "Fort Mims (Ala.), Massacre," in the Encyclopedic Index; also the twenty-three pages of articles and citations regarding the Indians.

The monthly return which the charter requires to be made to the Treasury Department gives nothing more than a general statement of its pecuniary condition, and of that but an imperfect one; for although it shows the amount loaned at the bank and its different branches, it does not show the condition of its debtors nor the circumstances under which the loans were made. It does not show whether they were in truth accommodations granted in the regular and ordinary course of business upon fair banking principles or from other motives. Under the name of loans advances may be made to persons notoriously insolvent for the most corrupt and improper purposes, and a course of proceeding may be adopted in violation of its charter, while upon the face of its monthly statement everything would appear to be fair and correct.

How, then, is the executive branch of the Government to become acquainted with the official conduct of the public directors or the abuses practiced by the corporation for its private ends and in violation of its duty to the public? The power of displacing the public directors and that of issuing a *scire facias* and of removing the deposits were not intended to be idle and nugatory provisions without the means of enforcement. Yet they must be wholly inoperative and useless unless there be some means by which the official conduct of the public directors and the abuses of power on the part of the corporation may be brought to the knowledge of the executive department of the Government.

Will it be said that the power is given to the Secretary of the Treasury to examine himself, or by his authorized agent, into the conduct and condition of the bank? The answer is obvious. It could not have been expected or intended that he would make an examination unless information was first given to him which excited his suspicions; and if he did make such a general examination without previous information of misconduct, it is most probable that in the complex concerns and accounts of a bank it would result in nothing, whatever abuses might have been practiced.

It is, indeed, the duty of every director to give information of such misconduct on the part of the board. But the power to issue a *scire facias* and to remove the deposits presupposes that the directors elected by the stockholders might abuse their power, and it can not be presumed that Congress intended to rely on these same directors to give information of their own misconduct. The Government is not accustomed to rely on the offending party to disclose his offense. It was intended that the power to issue a *scire facias* and remove the deposits be real and effective. The necessary means of information were therefore provided in the charter, and five officers of the Government, appointed in the usual manner, responsible to the public and not to the stockholders, were placed as sentinels at the board, and are bound by the nature and character of their office to resist, and if unsuccessful to report to the proper authority, every infraction of the charter and every abuse of power, in order that due measures should be taken to punish or correct it; and in like manner it is their duty to give, when called upon, any explanation of their own official conduct touching the management of the institution.

It was perhaps scarcely necessary to present to the Senate these views of the power of the Executive and of the duties of the five directors appointed by the United States. But the bank is believed to be now striving to obtain for itself the government of the country, and is seeking by new and strained constructions to wrest from the hands of the constituted authorities the salutary control reserved by the charter; and as misrepresentation is one of its most usual weapons of attack, I have deemed it my duty to put before the Senate in a manner not to be misunderstood the principles on which I have acted.

Entertaining as I do a solemn conviction of the truth of these principles, I must adhere to them and act upon them with constancy and firmness. Aware as I now am of the dangerous machinations of the bank, it is more than ever my duty to be vigilant in guarding the rights of the people from the impending danger. And I should feel that I ought to forfeit the confidence with which my countrymen have honored me if I did not require regular and full reports of everything in the proceedings of the bank calculated to affect injuriously the public interests from the public directors; and if the directors should fail to give the information called for, it would be my imperious duty to exercise the power conferred on me by law of removing them from office and of appointing others who would discharge their duties with more fidelity to the public. I can never suffer anyone to hold office under me who would connive at corruption or who should fail to give the alarm when he saw the enemies of liberty endeavoring to sap the foundations of our free institutions and to subject the free people of the United States to the dominion of a great moneyed corporation.

Any directors of the bank, therefore, who might be appointed by the Government would be required to report to the Executive as fully as the late directors have done, and more frequently, because the danger is more imminent; and it would be my duty to require of them a full detail of every part of the proceedings of the corporation, or any of its officers, in order that I might be enabled to decide whether I should exercise the power of ordering a *scire facias*, which is reserved to the President by the charter, or adopt such other lawful measures as the interests of the country might require. It is too obvious to be doubted that the misconduct of the corporation would never have been brought to light by the aid of a public proceeding at the board of directors. The board when called on by the Government directors refused to institute an inquiry or require an account, and the mode adopted by the latter was the only one by which the object could be attained. It would be absurd to admit the right of the Government directors to give information and at the same time deny the means of obtaining it. It would be but another mode of enabling the bank to conceal its proceedings and practice with impunity its corruptions. In the mode of obtaining the information, therefore, and in their efforts to put an end to the abuses disclosed, as well as in reporting them, the conduct of the late directors was judicious and praiseworthy, and the honesty, firmness, and intelligence which they have displayed entitle them, in my opinion, to the gratitude of the country.

But if I do not mistake the principles on which the Senate have recently rejected them, the conduct which I deem worthy of praise they treat as a breach of duty, and in their judgment the measures which they took to obtain the informations and their efforts to put an end to the practices disclosed and the reports they have made to the Executive, although true in all their parts, are regarded as an offense and supposed to require some decisive mark of strong disapprobation.

If the views of the Senate be such as I have supposed, the difficulty of sending to the Senate any other names than those of the late directors will be at once apparent. I can not consent to place before the Senate the name of anyone who is not prepared with firmness and honesty to discharge the duties of a public director in the manner they were fulfilled by those whom the Senate have refused to confirm. If for performing a duty lawfully required of them by the Executive they are to be punished by the subsequent rejection of the Senate, it would not only be useless, but cruel, to place men of character and honor in that situation, if even such men could be found to accept it. If they failed to give the required information or to take proper measures to obtain it, they would be removed by the Executive. If they gave the information and took proper measures to obtain it, they would upon the next nomination be rejected by the Senate. It would be unjust in me to place any other citizens in the predicament in which this unlooked-for decision of the Senate has placed the estimable and honorable men who were directors during the last year.

If I am not in error in relation to the principles upon which these gentlemen have been rejected, the necessary consequence will be that the bank will hereafter be without Government directors, and the people of the United States must be deprived of their chief means of protection against its abuses, for whatever conflicting opinions may exist as to the right of the directors appointed in January, 1833, to hold over until new appointments shall be made, it is very obvious that whilst their rejection by the Senate remains in force they can not with propriety attempt to exercise such a power. In the present state of things, therefore, the corporation will be enabled effectually to accomplish the object it has been so long endeavoring to attain. Its exchange committees and its delegated powers to its president may hereafter be dispensed with without incurring the danger of exposing its proceedings to the public view. The sentinels which the law had placed at its board can no longer appear there.

Justice to myself and to the faithful officers by whom the public has been so well and so honorably served without compensation or reward during the last year has required of me this full and frank exposition of my motives for nominating them again after their rejection by the Senate. I repeat that I do not question the right of the Senate to confirm or reject at their pleasure, and if there had been any reason to suppose that the rejection in this case had not been produced by the causes to which I have attributed it, or if my views of their duties and the present importance of their rigid performance were other than they are, I should have cheerfully acquiesced and attempted to find others who would accept the unenviable trust; but I can not consent to appoint directors of the bank to be the subservient instruments or silent spectators of its abuses and corruptions, nor can I ask honorable men to undertake the thankless duty with the certain prospect of being rebuked by the Senate for its faithful performance in pursuance of the lawful directions of the Executive.

I repeat that I do not claim a right to inquire into or officially to censure the acts of the Senate, but the situation in which the important interests of the American people vested in the Bank of the United States and affected by its arrangements must necessarily be left by the rejection of the gentlemen now renominated has made it my duty to give this explanation to the Senate and submit the matter to their reconsideration. If it shall be determined by the Senate that all channels of information in relation to the corrupt proceedings of this dangerous corporation shall be cut off and the Government and country left exposed to its unrestrained machinations against the purity of the press and public liberty, I shall, after having made this effort to avert so great an evil, rest for the justification of my official course with respectful confidence on the judgment of the American people.

In conclusion it is proper I should inform the Senate that there is now no Government director appointed for the present year, Mr. Bayard, who was nominated, and confirmed by the Senate, having refused to accept that appointment.

ANDREW JACKSON.

WASHINGTON, *March 14, 1834*.

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, accompanied by a copy of a letter from the commissioners appointed to adjust the claims of our citizens under the late treaty with Naples, and suggest for the consideration of Congress the expediency of extending the term allowed for the performance of the duties assigned to them.

ANDREW JACKSON.

WASHINGTON, *March 20, 1834.*

To the Senate of the United States:

I transmit herewith to the Senate a report * from the Secretary of State, with the documents accompanying it, in pursuance of their resolution of the 7th instant, relative to the ship *Olive Branch.*

ANDREW JACKSON.

WASHINGTON, *March 22, 1834.*

To the House of Representatives of the United States:

I transmit to the House of Representatives a report † from the Secretary of State, upon the subject of a resolution of the 10th instant, which was referred to that officer.

ANDREW JACKSON.

WASHINGTON, *April 1, 1834.*

To the Senate and House of Representatives:

I transmit for the consideration of Congress a report from the Secretary of State, and recommend that legislative measures may be taken to prevent the counterfeiting of foreign coins and the exporting of counterfeit coins from the United States.

ANDREW JACKSON.

WASHINGTON, *April 2, 1834.*

To the Senate and House of Representatives:

I lay before Congress a communication from the governor of New York and a copy of a communication from the governor of New Jersey, addressed to me with a view of obtaining the consent of Congress to an agreement which has been entered into by the States of New York and New Jersey to settle the boundary line between those States. The agreement and authenticated copies of the acts of the legislatures of New York and New Jersey relating to it are also transmitted.

ANDREW JACKSON.

WASHINGTON, *April 8, 1834.*

To the Senate:

I transmit herewith a report from the Commissioner of the General Land Office, made in compliance with the resolution of the Senate of the 29th ultimo, calling for "the dates of the proclamations and the times of sale specified in each of the sales of the public lands in the district of country acquired from the Choctaw tribe of Indians by the treaty of Dancing Rabbit Creek and from the Creek tribe of Indians in Alabama; and also the causes, if any existed, of a shorter notice being given for the sale of these lands than is usual in the sale of the other public lands."

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* Transmitting memorial of the heir at law of General Ira Allen, relative to the capture, detention, and condemnation of the ship *Olive Branch* and her cargo by the British Government; also copy of instructions given to the United States minister to Great Britain and of correspondence between him and the British Government on the subject.

† Transmitting correspondence and papers relating to the claim of Don Juan Madrazo, a Spanish subject, for losses occasioned by acts of the United States and Georgia.

ANDREW JACKSON.

WASHINGTON, *April 17, 1834*.

To the Senate of the United States:

I transmit to the Senate, for their consideration and advice with regard to its ratification, a convention for the settlement of claims between the United States of America and Her Catholic Majesty, concluded at Madrid on the 17th of February, 1834.

ANDREW JACKSON.

WASHINGTON, *May 1, 1834*.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES:

I submit for the sanction of Congress certain proposals for amending the present laws in relation to the naval service, prepared and reported by the board constituted under the act of May 19, 1832.

The papers on this subject are Nos. 1 to 5, inclusive.

These proposals are approved by me, and if adopted in the form of laws appear well suited "to the present and future exigencies of that important arm of national defense."

ANDREW JACKSON.

WASHINGTON, *May 12, 1834*.

To the Senate and House of Representatives of the United States:

I communicate to Congress copies of a treaty of navigation and commerce between the United States and His Majesty the Emperor of all the Russias, concluded at St. Petersburg on the 6th (18th) of December, 1832, and the ratifications of which were exchanged in this city on the 11th of May, 1833.

ANDREW JACKSON.

WASHINGTON, *May 13, 1834*.

To the Senate and House of Representatives of the United States:

I communicate to Congress copies of a convention between the United States and His Majesty the King of the Kingdom of the Two Sicilies, to terminate the reclamations of the former for the depredations inflicted upon American commerce by Murat during the years 1809, 1810, 1811, and 1812, concluded at Naples on the 14th of October, 1832, and the ratifications of which were exchanged at the same place on the 8th of June, 1833.

ANDREW JACKSON.

WASHINGTON, *May 15, 1834*.

To the Senate and House of Representatives:

I transmit herewith to Congress copies of a treaty of peace, amity, commerce, and navigation between the United States and the Republic of Chilé, concluded at Santiago de Chilé on the 1st of September, 1833, and the ratifications of which were exchanged in this city on the 29th of April last.

ANDREW JACKSON.

WASHINGTON, *May 19, 1834*.

To the House of Representatives of the United States:

I transmit a letter from the Marquis de Rochambeau to the minister of the United States in France, together with a translation of the same, referring to the petition of certain descendants of the Count de Rochambeau, which was communicated to the House of Representatives with my message of the 22d of February, 1833. Extracts from the dispatches of Mr. Livingston to the Secretary of State respecting the same subject are also sent.

I likewise transmit, for the consideration of the House, a petition from the heirs of the Baron de Kalb, accompanied by a note from General Lafayette, praying remuneration for the services rendered by the Baron to the United States during the War of the Revolution.

ANDREW JACKSON.

MAY 21, 1834.

To the Senate of the United States:

I nominate Arthur St. Clair to be register of the land office for the district of lands subject to sale at Indianapolis, in the State of Indiana, in the place of William B. Slaughter, appointed during the recess of the Senate.

As Arthur St. Clair was heretofore appointed to this office and was removed during the recess, it is proper to state the reasons which induce me again to nominate him to the Senate.

During the last summer an agent was appointed by the Treasury Department to examine the land offices in Indiana, and upon his report to the Department of the proceedings in the register's and receiver's offices at Indianapolis I deemed it proper to remove both of those officers without delay. A subsequent examination by a different agent enabled the parties to offer explanations of the charges against them in the first report, and although I am satisfied that the duty of the first agent was honestly and faithfully performed by him, yet the circumstances on which his report is founded have since been so explained as to acquit both of the officers who were removed of any intentional misconduct. In the case of Mr. St. Clair, however, it appears from both of the reports that he had permitted the clerk in his office to be the agent of speculations in land scrip contrary to the instructions received by him from the Treasury Department, but I am convinced that he himself did not participate in the speculation nor share in the profits, and that he gave the permission under a mistaken construction of the order and erroneous views of his duty as an officer. His mistake in this respect seems to have arisen in a great measure from his reliance on the judgment of others in whom he might well have supposed he could confide, and who appear to have sanctioned the course he adopted without sufficiently examining the subject and the evils to which such a practice would necessarily lead. Under these circumstances I have believed it to be an act of justice to Mr. St. Clair to present his name again to the Senate, as he can be reinstated in the office from which he was removed without injury to the person who in the recess was selected to succeed him. And I should have adopted the same course in relation to the receiver but for the peculiar circumstances in which his successor has been placed, and which would render it an act of injustice to him not to submit his name to the Senate for confirmation.

The reports and papers in relation to these removals are herewith transmitted to the Senate, in order that they may act in the case with the whole evidence before them.

ANDREW JACKSON.

WASHINGTON, *May 21, 1834.*

To the House of Representatives:

I lay before the House of Representatives a copy of a "convention for the settlement of claims between the United States of America and Her Catholic Majesty," concluded on the 17th of February last.

This convention has been ratified by me, agreeably to the Constitution, and will be immediately transmitted to Madrid, where it will doubtless be ratified by Her Majesty.

It is deemed proper to communicate the convention thus early, that provision may be made for carrying the first article into effect as soon as the ratifications shall have been exchanged, in order that our citizens may with as little delay as possible obtain the stipulated compensation.

ANDREW JACKSON.

WASHINGTON, *May 28, 1834.*

To the Senate of the United States:

I transmit herewith to the Senate, for their advice and consent as to the ratification of the same, a treaty and a supplement thereto, concluded between John H. Eaton, a commissioner on the part of the United States, and a delegation from the Chickasaw tribe of Indians, together with the journal of proceedings.

ANDREW JACKSON.

WASHINGTON, *May 30, 1834.*

To the Senate of the United States:

It having been represented to me by persons whose statements and opinions were thought worthy of confidence that the trade of the United States might be extended and rendered more lucrative by commercial arrangements with the countries bordering on the Indian Ocean, and being informed that the success of any efforts which might be made to accomplish that object would materially depend upon the secrecy with which they should be conducted, I appointed Mr. Edmund Roberts a special agent of this Government for the purpose of visiting those seas and concluding such commercial conventions as might have the effect of securing additional advantages to our trade in that quarter. This agency has resulted in the conclusion of treaties with the King of Siam and the Sultan of Muscat, whereby the commerce of the United States with the countries subject to the dominion of those princes, which had been previously embarrassed by serious disadvantages and obstructions, is placed upon a footing with that of the most favored nation. These treaties, the former of which was signed at the city of Siayuthia (commonly called Bankok) on the 20th day of March, 1833, and the latter at the city of Muscat on the 21st day of September of the same year, are submitted to the Senate for their consideration and advice.

I transmit a copy of the instructions which were given to the special agent and a communication made by him to the Secretary of State, containing particular and important information respecting the countries with which these treaties have been concluded. The expenses of the agency have been defrayed out of the contingent fund for foreign intercourse.

ANDREW JACKSON.

WASHINGTON, *June 13, 1834.*

To the Senate:

I have this day received a resolution of the 12th instant, requesting me to communicate to the Senate a copy of the first official communication which was made to Andrew Stevenson of the intention of the President to nominate him as a minister plenipotentiary and envoy extraordinary to the United Kingdom of Great Britain and Ireland, and his answer thereto.

As a compliance with this resolution might be deemed an admission of the right of the Senate to call upon the President for confidential correspondence of this description, I consider it proper on this occasion to remark that I do not acknowledge such a right. But to avoid misrepresentation I herewith transmit a copy of the paper in question, which was the only communication made to Mr. Stevenson on the subject.

This communication merely intimated the intention of the President in a particular contingency to offer to Mr. Stevenson the place of minister to the Court of St. James, and as the negotiations to which it refers were commenced early in April, 1833, in this city instead of London, and have been since conducted here, no further communication was made to him. I have no knowledge that an answer was received from Mr. Stevenson; none is to be found in the Department of State and none has been received by me.

ANDREW JACKSON.

WASHINGTON, *June 18, 1834.*

To the Senate and House of Representatives of the United States:

I transmit to Congress an extract of a dispatch from Mr. Livingston, the minister of the United States at Paris, dated the 7th ultimo, and the copy of a communication made to him by Captain Ballard, commander of the frigate *United States*, by which it appears that in firing a national salute from that ship at Toulon, in honor of the birthday of the King of the French, two men were killed and four others wounded on board the French ship of war *Suffren*. Suitable explanations were immediately made to the French admiral; and the officers and crew of the American frigate, with that generosity which distinguishes their profession, promptly contributed, by a liberal subscription, toward providing for the families of the unfortunate sufferers. I am sure, however, that I should not do justice to the feelings of the American people on this occasion if I did not invite Congress to assume, on their part, this melancholy duty. I propose, therefore, that the same provision be made by law for these French seamen and their families as would be made for American seamen killed or wounded in battle. This proceeding will show the deep sensibility with which the disastrous accident is viewed by the United States, and their readiness to alleviate those consequences which can not be remedied.

ANDREW JACKSON.

WASHINGTON, *June 20, 1834.*

To the House of Representatives of the United States:

I transmit to the House of Representatives, for their consideration, a memorial from the granddaughters of the Count de Rochambeau, together with their letter to the minister of the United States in France, from whom these papers have been recently received.

Translations of these documents accompany them.

ANDREW JACKSON.

WASHINGTON, *June 21, 1834.*

To the Senate and House of Representatives of the United States:

The afflicting intelligence of the death of the illustrious Lafayette has been received by me this morning.

I have issued the general order inclosed* to cause appropriate honors to be paid by the Army and Navy to the memory of one so highly venerated and beloved by my countrymen, and whom Providence has been pleased to remove so unexpectedly from the agitating scenes of life.

ANDREW JACKSON.

JUNE 23, 1834.

To the Senate of the United States:

I transmit for the consideration and action of the Senate a treaty concluded with the Cherokees for the cession of their lands east of the Mississippi River.

It is known to the Senate that for some years great difficulties have been experienced in the relations of that tribe. Without further allusion to these than as they furnish strong inducements to a final settlement of all the questions involved in our intercourse with these Indians, it is obvious from the existing state of things that they can not continue in their present position with any hope of ultimate prosperity. I have been, therefore, desirous that a just and satisfactory arrangement should be made for their removal, and propositions to that effect upon a liberal scale have been repeatedly made to them. These have until now been rejected, and their rejection, I have been induced to believe, has been owing more to the ascendency acquired by individuals who are unwilling to go than to the deliberative opinion of a majority of the Cherokee people. Some years since a form of government was established among them, but since the extension of the laws of Georgia and Alabama over them this government can have no binding effect upon a great majority of them. Its obligation is also denied by many of them in consequence of the continuance of certain persons in power contrary to the principles of their fundamental articles of association. A delegation from the persons claiming to hold their authority under the former existing state of things is in this city, and have communicated with the War Department on the subject of their situation and removal. They deny the right of the persons who have negotiated this treaty to perform such an act, and have remonstrated against it. Copies of their communications are herewith transmitted.

The delegation who have signed the present treaty have produced an authority from William Hicks, designating himself as principal chief, and others, signing the same in an official capacity. It is understood from the report of Major Currie, the enrolling agent, that public notice was given to all persons desirous of emigrating to attend upon a particular day and place in order to appoint representatives to communicate with the Government and to arrange the terms of cession and removal. In conformity with this notice a meeting was held and the authority herein referred to was the result.

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* See under Executive Orders, pp. 1313-1314.

In consequence of this application John H. Eaton was appointed to meet and confer with them and to report their views to the War Department. These are embodied in the treaty which is presented to your consideration.

Under these circumstances I submit the matter to the decision of the Senate. The practice of the Government has not been very strict on the subject of the authority of the persons negotiating treaties on the part of the Indians. Sometimes it has been done by persons representing the tribe and sometimes by the individuals composing it. I am not aware that a case similar in its features to the present has ever before required the action of the Government. But, independently of the considerations which so forcibly urge a settlement of this matter, no injustice can be done to the Indians by the ratification of this treaty. It is expressly provided that it will not be binding upon them till a majority has assented to its stipulations. When that assent is given no one can justly deny its obligation.

The Cherokees east of the Mississippi occupy a portion of the territories of four States, to wit, Georgia, North Carolina, Tennessee, and Alabama. The treaty provides that the communities inhabiting those divisions shall each be considered as acting for themselves independently of the others. We have frequently in our intercourse with the Indians treated with different portions of the same tribe as separate communities. Nor is there any injustice in this as long as they are separated into divisions without any very strong bond of union, and frequently with different interests and views. By requiring the assent of a majority to any act which will bind them we insure the preservation of a principle which will afford adequate security to their rights.

ANDREW JACKSON.

VETO MESSAGE.*

DECEMBER 4, 1833.

To the Senate of the United States:

At the close of the last session of Congress I received from that body a bill entitled "An act to appropriate for a limited time the proceeds of the sales of the public lands of the United States and for granting lands to certain States." The brief period then remaining before the rising of Congress and the extreme pressure of official duties unavoidable on such occasions did not leave me sufficient time for that full consideration of the subject which was due to its great importance. Subsequent consideration and reflection have, however, confirmed the objections to the bill which presented themselves to my mind upon its first perusal, and have satisfied me that it ought not to become a law. I felt myself, therefore, constrained to withhold from it my approval, and now return it to the Senate, in which it originated, with the reasons on which my dissent is founded.

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*Pocket veto.

I am fully sensible of the importance, as it respects both the harmony and union of the States, of making, as soon as circumstances will allow of it, a proper and final disposition of the whole subject of the public lands, and any measure for that object providing for the reimbursement to the United States of those expenses with which they are justly chargeable that may be consistent with my views of the Constitution, sound policy, and the rights of the respective States will readily receive my cooperation. This bill, however, is not of that character. The arrangement it contemplates is not permanent, but limited to five years only, and in its terms appears to anticipate alterations within that time, at the discretion of Congress; and it furnishes no adequate security against those continued agitations of the subject which it should be the principal object of any measure for the disposition of the public lands to avert.

Neither the merits of the bill under consideration nor the validity of the objections which I have felt it to be my duty to make to its passage can be correctly appreciated without a full understanding of the manner in which the public lands upon which it is intended to operate were acquired and the conditions upon which they are now held by the United States. I will therefore precede the statement of those objections by a brief but distinct exposition of these points.

The waste lands within the United States constituted one of the early obstacles to the organization of any government for the protection of their common interests. In October, 1777, while Congress were framing the Articles of Confederation, a proposition was made to amend them to the following effect, viz:

> That the United States in Congress assembled shall have the sole and exclusive right and power to ascertain and fix the western boundary of such States as claim to the Mississippi or South Sea, and lay out the land beyond the boundary so ascertained into separate and independent States from time to time as the numbers and circumstances of the people thereof may require.

It was, however, rejected, Maryland only voting for it, and so difficult did the subject appear that the patriots of that body agreed to waive it in the Articles of Confederation and leave it for future settlement.

On the submission of the Articles to the several State legislatures for ratification the most formidable objection was found to be in this subject of the waste lands. Maryland, Rhode Island, and New Jersey instructed their delegates in Congress to move amendments to them providing that the waste or Crown lands should be considered the common property of the United States, but they were rejected. All the States except Maryland acceded to the Articles, notwithstanding some of them did so with the reservation that their claim to those lands as common property was not thereby abandoned.

On the sole ground that no declaration to that effect was contained in the Articles, Maryland withheld her assent, and in May, 1779, embodied her objections in the form of instructions to her delegates, which were entered upon the Journals of Congress. The following extracts are from that document, viz:

> Is it possible that those States who are ambitiously grasping at territories to which in our judgment they have not the least shadow of exclusive right will use with greater moderation the increase of wealth and power derived from those territories when acquired than what they have displayed in their endeavors to acquire them? * * *
>
> We are convinced policy and justice require that a country unsettled at the commencement of this war, claimed by the British Crown and ceded to it by the treaty of Paris, if wrested from the common enemy by the blood and treasure of the thirteen States, should be considered as a common property, subject to be parceled out by Congress into free, convenient, and independent governments, in such manner and at such times as the wisdom of that assembly shall hereafter direct. * * *

Virginia proceeded to open a land office for the sale of her Western lands, which produced such excitement as to induce Congress, in October, 1779, to interpose and earnestly recommend to "the said State and all States similarly circumstanced to forbear settling or issuing warrants for such unappropriated lands, or granting the same, during the continuance of the present war."

In March, 1780, the legislature of New York passed an act tendering a cession to the United States of the claims of that State to the Western territory, preceded by a preamble to the following effect, viz:

> Whereas nothing under Divine Providence can more effectually contribute to the tranquillity and safety of the United States of America than a federal alliance on such liberal principles as will give satisfaction to its respective members; and whereas the Articles of Confederation and Perpetual Union recommended by the honorable Congress of the United States of America have not proved acceptable to all the States, it having been conceived that a portion of the waste and uncultivated territory within the limits or claims of certain States ought to be appropriated as a common fund for the expenses of the war, and the people of the State of New York being on all occasions disposed to manifest their regard for their sister States and their earnest desire to promote the general interest and security, and more especially to accelerate the federal alliance, by removing as far as it depends upon them the before-mentioned impediment to its final accomplishment. * * *

This act of New York, the instructions of Maryland, and a remonstrance of Virginia were referred to a committee of Congress, who reported a preamble and resolutions thereon, which were adopted on the 6th September, 1780; so much of which as is necessary to elucidate the subject is to the following effect, viz:

> That it appears advisable to press upon those States which can remove the embarrassments respecting the Western country a liberal surrender of a portion of their territorial claims, since they can not be preserved entire without endangering the stability of the General Confederacy; to remind them how indispensably necessary it is to establish the Federal Union on a fixed and permanent basis and on principles

> acceptable to all its respective members; how essential to public credit and confidence, to the support of our Army, to the vigor of our counsels and success of our measures, to our tranquillity at home, our reputation abroad, to our very existence as a free, sovereign, and independent people; that they are fully persuaded the wisdom of the several legislatures will lead them to a full and impartial consideration of a subject so interesting to the United States, and so necessary to the happy establishment of the Federal Union; that they are confirmed in these expectations by a review of the before-mentioned act of the legislature of New York, submitted to their consideration. * * *
>
> *Resolved*, That copies of the several papers referred to the committee be transmitted, with a copy of the report, to the legislatures of the several States, and that it be earnestly recommended to those States who have claims to the Western country to pass such laws and give their delegates in Congress such powers as may effectually remove the only obstacle to a final ratification of the Articles of Confederation, and that the legislature of Maryland be earnestly requested to authorize their delegates in Congress to subscribe the said Articles.

Following up this policy, Congress proceeded, on the 10th October, 1780, to pass a resolution pledging the United States to the several States as to the manner in which any lands that might be ceded by them should be disposed of, the material parts of which are as follows, viz:

> *Resolved*, That the unappropriated lands which may be ceded or relinquished to the United States by any particular State pursuant to the recommendation of Congress of the 6th day of September last shall be disposed of for the common benefit of the United States and be settled and formed into distinct republican States, which shall become members of the Federal Union and have the same rights of sovereignty, freedom, and independence as the other States; * * * that the said lands shall be granted or settled at such times and under such regulations as shall hereafter be agreed on by the United States in Congress assembled, or nine or more of them.

In February, 1781, the legislature of Maryland passed an act authorizing their delegates in Congress to sign the Articles of Confederation. The following are extracts from the preamble and body of the act, viz:

> Whereas it hath been said that the common enemy is encouraged by this State not acceding to the Confederation to hope that the union of the sister States may be dissolved, and therefore prosecutes the war in expectation of an event so disgraceful to America, and our friends and illustrious ally are impressed with an idea that the common cause would be promoted by our formally acceding to the Confederation. * * *

The act of which this is the preamble authorizes the delegates of that State to sign the Articles, and proceeds to declare "that by acceding to the said Confederation this State doth not relinquish, nor intend to relinquish, any right or interest she hath with the other united or confederated States to the back country," etc.

On the 1st of March, 1781, the delegates of Maryland signed the Articles of Confederation, and the Federal Union under that compact was complete. The conflicting claims to the Western lands, however, were not disposed of, and continued to give great trouble to Congress. Repeated and urgent calls were made by Congress upon the States claiming them to make liberal cessions to the United States, and it was not until long after the present Constitution was formed that the grants were completed.

The deed of cession from New York was executed on the 1st of March, 1781, the day the Articles of Confederation were ratified, and it was accepted by Congress on the 29th October, 1782. One of the conditions of this cession thus tendered and accepted was that the lands ceded to the United States "*shall be and inure for the use and benefit of such of the United States as shall become members of the federal alliance of the said States, and for no other use or purpose whatsoever.*"

The Virginia deed of cession was executed and accepted on the 1st day of March, 1784. One of the conditions of this cession is as follows, viz:

> That all the lands within the territory as ceded to the United States, and not reserved for or appropriated to any of the before-mentioned purposes or disposed of in bounties to the officers and soldiers of the American Army, *shall be considered as a common fund for the use and benefit of such of the United States as have become or shall become members of the confederation or federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever.*

Within the years 1785, 1786, and 1787 Massachusetts, Connecticut, and South Carolina ceded their claims upon similar conditions. The Federal Government went into operation under the existing Constitution on the 4th of March, 1789. The following is the only provision of that Constitution which has a direct bearing on the subject of the public lands, viz:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States, and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

Thus the Constitution left all the compacts before made in full force, and the rights of all parties remained the same under the new Government as they were under the Confederation.

The deed of cession of North Carolina was executed in December, 1789, and accepted by an act of Congress approved April 2, 1790. The third condition of this cession was in the following words, viz:

> That all the lands intended to be ceded by virtue of this act to the United States of America, and not appropriated as before mentioned, *shall be considered as a common fund for the use and benefit of the United States of America, North Carolina inclusive, according to their respective and usual proportions of the general charge and expenditure, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever.*

The cession of Georgia was completed on the 16th June, 1802, and in its leading condition is precisely like that of Virginia and North Carolina. This grant completed the title of the United States to all those lands generally called *public lands* lying within the original limits of the Confederacy. Those which have been acquired by the purchase of Louisiana and Florida, having been paid for out of the common treasure of the United States, are as much the property of the General Government, to be disposed of for the common benefit, as those ceded by the several States.

By the facts here collected from the early history of our Republic it appears that the subject of the public lands entered into the elements of its institutions. It was only upon the condition that those lands should be considered as common property, to be disposed of for the benefit of the United States, that some of the States agreed to come into a "perpetual union." The States claiming those lands acceded to those views and transferred their claims to the United States upon certain specific conditions, and on those conditions the grants were accepted. These solemn compacts, invited by Congress in a resolution declaring the purposes to which the proceeds of these lands should be applied, originating before the Constitution and forming the basis on which it was made, bound the United States to a particular course of policy in relation to them by ties as strong as can be invented to secure the faith of nations.

As early as May, 1785, Congress, in execution of these compacts, passed an ordinance providing for the sales of lands in the Western territory and directing the proceeds to be paid into the Treasury of the United States. With the same object other ordinances were adopted prior to the organization of the present Government.

In further execution of these compacts the Congress of the United States under the present Constitution, as early as the 4th of August, 1790, in "An act making provision for the debt of the United States," enacted as follows, viz:

> That the proceeds of sales which shall be made of lands in the Western territory now belonging or that may hereafter belong to the United States shall be and are hereby appropriated toward sinking or discharging the debts for the payment whereof the United States now are or by virtue of this act may be holden, and shall be applied solely to that use until the said debt shall be fully satisfied.

To secure to the Government of the United States forever the power to execute these compacts in good faith the Congress of the Confederation, as early as July 13, 1787, in an ordinance for the government of the territory of the United States northwest of the river Ohio, prescribed to the people inhabiting the Western territory certain conditions which were declared to be "articles of compact between the original States and the people and States in the said territory," which should "forever remain unalterable, unless by common consent." In one of these articles it is declared that—

> The legislatures of those districts, or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the *bona fide purchasers.*

This condition has been exacted from the people of all the new territories, and to put its obligation beyond dispute each new State carved out of the public domain has been required explicitly to recognize it as one of the conditions of admission into the Union. Some of them have declared through their conventions in separate acts that their people "forever disclaim all right and title to the waste and unappropriated lands lying within this State, and that the same shall be and remain at the sole and entire disposition of the United States."

With such care have the United States reserved to themselves, in all their acts down to this day, in legislating for the Territories and admitting States into the Union, the unshackled power to execute in good faith the compacts of cession made with the original States. From these facts and proceedings it plainly and certainly results—

1. That one of the fundamental principles on which the Confederation of the United States was originally based was that the waste lands of the West within their limits should be the common property of the United States.

2. That those lands were ceded to the United States by the States which claimed them, and the cessions were accepted on the express condition that they should be disposed of for the common benefit of the States, according to their respective proportions in the general charge and expenditure, and for no other purpose whatsoever.

3. That in execution of these solemn compacts the Congress of the United States did, under the Confederation, proceed to sell these lands and put the avails into the common Treasury, and under the new Constitution did repeatedly pledge them for the payment of the public debt of the United States, by which pledge each State was expected to profit in proportion to the general charge to be made upon it for that object.

These are the first principles of this whole subject, which I think can not be contested by anyone who examines the proceedings of the Revolutionary Congress, the cessions of the several States, and the acts of Congress under the new Constitution. Keeping them deeply impressed upon the mind, let us proceed to examine how far the objects of the cessions have been completed, and see whether those compacts are not still obligatory upon the United States.

The debt for which these lands were pledged by Congress may be considered as paid, and they are consequently released from that lien. But that pledge formed no part of the compacts with the States, or of the conditions upon which the cessions were made. It was a contract between new parties—between the United States and their creditors. Upon payment of the debt the compacts remain in full force, and the obligation of the United States to dispose of the lands for the common benefit is neither destroyed nor impaired. As they can not now be executed in that mode, the only legitimate question which can arise is, In what other way are these lands to be hereafter disposed of for the common benefit of the several States, "*according to their respective and usual proportion in the general charge and expenditure*"? The cessions of Virginia, North Carolina, and Georgia in express terms, and all the rest impliedly, not only provide thus specifically the proportion according to which each State shall profit by the proceeds of the land sales, but they proceed to declare that they shall be "*faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever.*" This is the fundamental law of the land at this moment, growing out of compacts which are older than the Constitution, and formed the corner stone on which the Union itself was erected.

In the practice of the Government the proceeds of the public lands have not been set apart *as a separate fund* for the payment of the public debt, but have been and are now paid into the Treasury, where they constitute a part of the aggregate of revenue upon which the Government draws as well for its current expenditures as for payment of the public debt. In this manner they have heretofore and do now lessen the general charge upon the people of the several States in the exact proportions stipulated in the compacts.

These general charges have been composed not only of the public debt and the usual expenditures attending the civil and military administrations of the Government, but of the amounts paid to the States with which these compacts were formed, the amounts paid the Indians for their right of possession, the amounts paid for the purchase of Louisiana and Florida, and the amounts paid surveyors, registers, receivers, clerks, etc., employed in preparing for market and selling the Western domain.

From the origin of the land system down to the 30th September, 1832, the amount expended for all these purposes has been about $49,701,280, and the amount received from the sales, deducting payments on account of roads, etc., about $38,386,624. The revenue arising from the public lands, therefore, has not been sufficient to meet the general charges on the Treasury which have grown out of them by about $11,314,656. Yet in having been applied to lessen those charges the conditions of the compacts have been thus far fulfilled, and each State has profited according to its usual proportion in the general charge and expenditure. The annual proceeds of land sales have increased and the charges have diminished, so that at a reduced price those lands would now defray all current charges growing out of them and save the Treasury from further advances on their account. Their original intent and object, therefore, would be accomplished as fully as it has hitherto been by reducing the price and hereafter, as heretofore, bringing the proceeds into the Treasury. Indeed, as this is the only mode in which the objects of the original compact can be attained, it may be considered for all practical purposes that it is one of their requirements.

The bill before me begins with an entire subversion of every one of the compacts by which the United States became possessed of their

Western domain, and treats the subject as if they never had existence and as if the United States were the original and unconditional owners of all the public lands. The first section directs—

> That from and after the 31st day of December, 1832, there shall be allowed and paid to each of the States of Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, and Louisiana, over and above what each of the said States is entitled to by the terms of the compacts entered into between them respectively upon their admission into the Union and the United States, the sum of 12½ per cent upon the net amount of the sales of the public lands which subsequent to the day aforesaid shall be made within the several limits of the said States, which said sum of 12½ per cent shall be applied to some object or objects of internal improvement or education within the said States under the direction of their several legislatures.

This 12½ per cent is to be taken out of the net proceeds of the land sales before any apportionment is made, and the same seven States which are first to receive this proportion are also to receive their due proportion of the residue according to the ratio of general distribution.

Now, waiving all considerations of equity or policy in regard to this provision, what more need be said to demonstrate its objectionable character than that it is in direct and undisguised violation of the pledge given by Congress to the States before a single cession was made, that it abrogates the condition upon which some of the States came into the Union, and that it sets at naught the terms of cession spread upon the face of every grant under which the title to that portion of the public land is held by the Federal Government?

In the apportionment of the remaining seven-eighths of the proceeds this bill, in a manner equally undisguised, violates the conditions upon which the United States acquired title to the ceded lands. Abandoning altogether the ratio of distribution according to the general charge and expenditure provided by the compacts, it adopts that of the Federal representative population. Virginia and other States which ceded their lands upon the express condition that they should receive a benefit from their sales in proportion to their part of the general charge are by the bill allowed only a portion of seven-eighths of their proceeds, and that not in the proportion of general charge and expenditure, but in the ratio of their Federal representative population.

The Constitution of the United States did not delegate to Congress the power to abrogate these compacts. On the contrary, by declaring that nothing in it "*shall be so construed as to prejudice any claims of the United States or of any particular State,*" it virtually provides that these compacts and the rights they secure shall remain untouched by the legislative power, which shall only make all "*needful rules and regulations*" for carrying them into effect. All beyond this would seem to be an assumption of undelegated power.

These ancient compacts are invaluable monuments of an age of virtue, patriotism, and disinterestedness. They exhibit the price that great

States which had won liberty were willing to pay for that union without which they plainly saw it could not be preserved. It was not for territory or state power that our Revolutionary fathers took up arms; it was for individual liberty and the right of self-government. The expulsion from the continent of British armies and British power was to them a barren conquest if through the collisions of the redeemed States the individual rights for which they fought should become the prey of petty military tyrannies established at home. To avert such consequences and throw around liberty the shield of union, States whose relative strength at the time gave them a preponderating power magnanimously sacrificed domains which would have made them the rivals of empires, only stipulating that they should be disposed of for the common benefit of themselves and the other confederated States. This enlightened policy produced union and has secured liberty. It has made our waste lands to swarm with a busy people and added many powerful States to our Confederation. As well for the fruits which these noble works of our ancestors have produced as for the devotedness in which they originated, we should hesitate before we demolish them.

But there are other principles asserted in the bill which would have impelled me to withhold my signature had I not seen in it a violation of the compacts by which the United States acquired title to a large portion of the public lands. It reasserts the principle contained in the bill authorizing a subscription to the stock of the Maysville, Washington, Paris and Lexington Turnpike Road Company, from which I was compelled to withhold my consent for reasons contained in my message of the 27th May, 1830, to the House of Representatives.

The leading principle then asserted was that Congress possesses no constitutional power to appropriate any part of the moneys of the United States for objects of a local character within the States. That principle I can not be mistaken in supposing has received the unequivocal sanction of the American people, and all subsequent reflection has but satisfied me more thoroughly that the interests of our people and the purity of our Government, if not its existence, depend on its observance. The public lands are the common property of the United States, and the moneys arising from their sales are a part of the public revenue. This bill proposes to raise from and appropriate a portion of this public revenue to certain States, providing expressly that it shall "*be applied to objects of internal improvement or education within those States*," and then proceeds to appropriate the balance to all the States, with the declaration that it shall be applied "*to such purposes as the legislatures of the said respective States shall deem proper.*" The former appropriation is expressly for internal improvements or education, without qualification as to the kind of improvements, and therefore in express violation of the principle maintained in my objections to the turnpike-road bill above referred to. The latter appropriation is more broad, and gives the money to be applied to any local purpose whatsoever. It will not be denied that under the provisions of the bill a portion of the money might have been applied to making the very road to which the bill of 1830 had reference, and must of course come within the scope of the same principle. If the money of the United States can not be applied to local purposes *through its own agents*, as little can it be permitted to be thus expended *through the agency of the State governments.*

It has been supposed that with all the reductions in our revenue which could be speedily effected by Congress without injury to the substantial interests of the country there might be for some years to come a surplus of moneys in the Treasury, and that there was in principle no objection to returning them to the people by whom they were paid. As the literal accomplishment of such an object is obviously impracticable, it was thought admissible, as the nearest approximation to it, to hand them over to the State governments, the more immediate representatives of the people, to be by them applied to the benefit of those to whom they properly belonged. The principle and the object were to return to the people an unavoidable surplus of revenue which might have been paid by them under a system which could not at once be abandoned, but even this resource, which at one time seemed to be almost the only alternative to save the General Government from grasping unlimited power over internal improvements, was suggested with doubts of its constitutionality.

But this bill assumes a new principle. Its object is not to return to the people an unavoidable surplus of revenue paid in by them, but to create a surplus for distribution among the States. It seizes the entire proceeds of one source of revenue and sets them apart as a surplus, making it necessary to raise the moneys for supporting the Government and meeting the general charges from other sources. It even throws the entire land system upon the customs for its support, and makes the public lands a perpetual charge upon the Treasury. It does not return to the people moneys accidentally or unavoidably paid by them to the Government, by which they are not wanted, but compels the people to pay moneys into the Treasury for the mere purpose of creating a surplus for distribution to their State governments. If this principle be once admitted, it is not difficult to perceive to what consequences it may lead. Already this bill, by throwing the land system on the revenues from imports for support, virtually distributes among the States a part of those revenues. The proportion may be increased from time to time, without any departure from the principle now asserted, until the State governments shall derive all the funds necessary for their support from the Treasury of the United States, or, if a sufficient supply should be obtained by some States and not by others, the deficient States might complain; and to put an end to all further difficulty Congress, without assuming any new principle, need go but one step further and put the salaries of all the State governors, judges, and other officers, with a sufficient sum for other expenses, in their general appropriation bill.

It appears to me that a more direct road to consolidation can not be devised. Money is power, and in that Government which pays all the public officers of the States will all political power be substantially concentrated. The State governments, if governments they might be called, would lose all their independence and dignity; the economy which now distinguishes them would be converted into a profusion, limited only by the extent of the supply. Being the dependents of the General Government, and looking to its Treasury as the source of all their emoluments, the State officers, under whatever names they might pass and by whatever forms their duties might be prescribed, would in effect be the mere stipendiaries and instruments of the central power.

I am quite sure that the intelligent people of our several States will be satisfied on a little reflection that it is neither wise nor safe to release the members of their local legislatures from the responsibility of levying the taxes necessary to support their State governments and vest it in Congress, over most of whose members they have no control. They will not think it expedient that Congress shall be the taxgatherer and paymaster of all their State governments, thus amalgamating all their officers into one mass of common interest and common feeling. It is too obvious that such a course would subvert our well-balanced system of government, and ultimately deprive us of all the blessings now derived from our happy Union.

However willing I might be that any unavoidable surplus in the Treasury should be returned to the people through their State governments, I can not assent to the principle that a surplus may be created for the purpose of distribution. Viewing this bill as in effect assuming the right not only to create a surplus for that purpose, but to divide the contents of the Treasury among the States without limitation, from whatever source they may be derived, and asserting the power to raise and appropriate money for the support of every State government and institution, as well as for making every local improvement, however trivial, I can not give it my assent.

It is difficult to perceive what advantages would accrue to the old States or the new from the system of distribution which this bill proposes if it were otherwise unobjectionable. It requires no argument to prove that if $3,000,000 a year, or any other sum, shall be taken out of the Treasury by this bill for distribution it must be replaced by the same sum collected from the people through some other means. The old States will receive annually a sum of money from the Treasury, but they will pay in a larger sum, together with the expenses of collection and distribution. It is only their proportion of *seven-eighths* of the proceeds of land sales which they are *to receive*, but they must *pay* their due proportion of the *whole*. Disguise it as we may, the bill proposes to them a dead loss in the ratio of *eight* to *seven*, in addition to expenses and other incidental losses. This assertion is not the less true because it may not at first be palpable. Their receipts will be in large sums, but their payments in small ones. The *governments* of the States will receive *seven* dollars, for which the *people* of the States will pay *eight*. The large sums received will be palpable to the senses; the small sums paid it requires thought to identify. But a little consideration will satisfy the people that the effect is the same as if *seven hundred dollars* were given them from the public Treasury, for which they were at the same time required to pay in taxes, direct or indirect, *eight hundred*.

I deceive myself greatly if the new States would find their interests promoted by such a system as this bill proposes. Their true policy consists in the rapid settling and improvement of the waste lands within their limits. As a means of hastening those events, they have long been looking to a reduction in the price of public lands upon the final payment of the national debt. The effect of the proposed system would be to prevent that reduction. It is true the bill reserves to Congress the power to reduce the price, but the effect of its details as now arranged would probably be forever to prevent its exercise.

With the just men who inhabit the new States it is a sufficient reason to reject this system that it is in violation of the fundamental laws of the Republic and its Constitution. But if it were a mere question of interest or expediency they would still reject it. They would not sell their bright prospect of increasing wealth and growing power at such a price. They would not place a sum of money to be paid into their treasuries in competition with the settlement of their waste lands and the increase of their population. They would not consider a small or a large annual sum to be paid to their governments and immediately expended as an equivalent for that enduring wealth which is composed of flocks and herds and cultivated farms. No temptation will allure them from that object of abiding interest, the settlement of their waste lands, and the increase of a hardy race of free citizens, their glory in peace and their defense in war.

On the whole, I adhere to the opinion, expressed by me in my annual message of 1832, that it is our true policy that the public lands shall cease as soon as practicable to be a source of revenue, except for the payment of those general charges which grow out of the acquisition of the lands, their survey and sale. Although these expenses have not been met by the proceeds of sales heretofore, it is quite certain they will be hereafter, even after a considerable reduction in the price. By meeting in the Treasury so much of the general charge as arises from that source they will hereafter, as they have been heretofore, be disposed of for the common benefit of the United States, according to the compacts of cession. I do not doubt that it is the real interest of each and all the States in the Union, and particularly of the new States, that the price of these lands shall be reduced and graduated, and that after they have been offered for a certain number of years the refuse remaining unsold shall be abandoned to the States and the machinery of our land system entirely withdrawn. It can not be supposed the compacts intended that the United States should retain forever a title to lands within the States which are of no value, and no doubt is entertained that the general interest would be best promoted by surrendering such lands to the States.

This plan for disposing of the public lands impairs no principle, violates no compact, and deranges no system. Already has the price of those lands been reduced from $2 per acre to $1.25, and upon the will of Congress it depends whether there shall be a further reduction. While the burdens of the East are diminishing by the reduction of the duties upon imports, it seems but equal justice that the chief burden of the West should be lightened in an equal degree at least. It would be just to the old States and the new, conciliate every interest, disarm the subject of all its dangers, and add another guaranty to the perpetuity of our happy Union.

Sensible, however, of the difficulties which surround this important subject, I can only add to my regrets at finding myself again compelled to disagree with the legislative power the sincere declaration that any plan which shall promise a final and satisfactory disposition of the question and be compatible with the Constitution and public faith shall have my hearty concurrence.

ANDREW JACKSON.

[NOTE.—For reasons for the pocket veto of "An act to improve the navigation of the Wabash River," see Sixth Annual Message, dated December 1, 1834, pp. 1337–1342.]

PROTEST.*

APRIL 15, 1834.

To the Senate of the United States:

It appears by the published Journal of the Senate that on the 26th of December last a resolution was offered by a member of the Senate, which after a protracted debate was on the 28th day of March last modified by the mover and passed by the votes of twenty-six Senators out of forty-six who were present and voted, in the following words, viz:

> *Resolved*, That the President, in the late Executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both.

Having had the honor, through the voluntary suffrages of the American people, to fill the office of President of the United States during the period which may be presumed to have been referred to in this resolution, it is sufficiently evident that the censure it inflicts was intended for myself. Without notice, unheard and untried, I thus find myself charged on the records of the Senate, and in a form hitherto unknown in our history, with the high crime of violating the laws and Constitution of my country.

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*The Senate ordered that it be not entered on the Journal.

It can seldom be necessary for any department of the Government, when assailed in conversation or debate or by the strictures of the press or of popular assemblies, to step out of its ordinary path for the purpose of vindicating its conduct or of pointing out any irregularity or injustice in the manner of the attack; but when the Chief Executive Magistrate is, by one of the most important branches of the Government in its official capacity, in a public manner, and by its recorded sentence, but without precedent, competent authority, or just cause, declared guilty of a breach of the laws and Constitution, it is due to his station, to public opinion, and to a proper self-respect that the officer thus denounced should promptly expose the wrong which has been done.

In the present case, moreover, there is even a stronger necessity for such a vindication. By an express provision of the Constitution, before the President of the United States can enter on the execution of his office he is required to take an oath or affirmation in the following words:

> I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States and will to the best of my ability preserve, protect, and defend the Constitution of the United States.

The duty of defending so far as in him lies the integrity of the Constitution would indeed have resulted from the very nature of his office, but by thus expressing it in the official oath or affirmation, which in this respect differs from that of any other functionary, the founders of our Republic have attested their sense of its importance and have given to it a peculiar solemnity and force. Bound to the performance of this duty by the oath I have taken, by the strongest obligations of gratitude to the American people, and by the ties which unite my every earthly interest with the welfare and glory of my country, and perfectly convinced that the discussion and passage of the above-mentioned resolution were not only unauthorized by the Constitution, but in many respects repugnant to its provisions and subversive of the rights secured by it to other coordinate departments, I deem it an imperative duty to maintain the supremacy of that sacred instrument and the immunities of the department intrusted to my care by all means consistent with my own lawful powers, with the rights of others, and with the genius of our civil institutions. To this end I have caused this my *solemn protest* against the aforesaid proceedings to be placed on the files of the executive department and to be transmitted to the Senate.

It is alike due to the subject, the Senate, and the people that the views which I have taken of the proceedings referred to, and which compel me to regard them in the light that has been mentioned, should be exhibited at length, and with the freedom and firmness which are required by an occasion so unprecedented and peculiar.

Under the Constitution of the United States the powers and functions of the various departments of the Federal Government and their responsibilities for violation or neglect of duty are clearly defined or result by necessary inference. The legislative power is, subject to the qualified negative of the President, vested in the Congress of the United States, composed of the Senate and House of Representatives; the executive power is vested exclusively in the President, except that in the conclusion of treaties and in certain appointments to office he is to act with the advice and consent of the Senate; the judicial power is vested exclusively in the Supreme and other courts of the United States, except in cases of impeachment, for which purpose the accusatory power is vested in the House of Representatives and that of hearing and determining in the Senate. But although for the special purposes which have been mentioned there is an occasional intermixture of the powers of the different departments, yet with these exceptions each of the three great departments is independent of the others in its sphere of action, and when it deviates from that sphere is not responsible to the others further than it is expressly made so in the Constitution. In every other respect each of them is the coequal of the other two, and all are the servants of the American people, without power or right to control or censure each other in the service of their common superior, save only in the manner and to the degree which that superior has prescribed.

The responsibilities of the President are numerous and weighty. He is liable to impeachment for high crimes and misdemeanors, and on due conviction to removal from office and perpetual disqualification; and notwithstanding such conviction, he may also be indicted and punished according to law. He is also liable to the private action of any party who may have been injured by his illegal mandates or instructions in the same manner and to the same extent as the humblest functionary. In addition to the responsibilities which may thus be enforced by impeachment, criminal prosecution, or suit at law, he is also accountable at the bar of public opinion for every act of his Administration. Subject only to the restraints of truth and justice, the free people of the United States have the undoubted right, as individuals or collectively, orally or in writing, at such times and in such language and form as they may think proper, to discuss his official conduct and to express and promulgate their opinions concerning it. Indirectly also his conduct may come under review in either branch of the Legislature, or in the Senate when acting in its executive capacity, and so far as the executive or legislative proceedings of these bodies may require it, it may be exercised by them. These are believed to be the proper and only modes in which the

President of the United States is to be held accountable for his official conduct.

Tested by these principles, the resolution of the Senate is wholly unauthorized by the Constitution, and in derogation of its entire spirit. It assumes that a single branch of the legislative department may for the purposes of a public censure, and without any view to legislation or impeachment, take up, consider, and decide upon the official acts of the Executive. But in no part of the Constitution is the President subjected to any such responsibility, and in no part of that instrument is any such power conferred on either branch of the Legislature.

The justice of these conclusions will be illustrated and confirmed by a brief analysis of the powers of the Senate and a comparison of their recent proceedings with those powers.

The high functions assigned by the Constitution to the Senate are in their nature either legislative, executive, or judicial. It is only in the exercise of its judicial powers, when sitting as a court for the trial of impeachments, that the Senate is expressly authorized and necessarily required to consider and decide upon the conduct of the President or any other public officer. Indirectly, however, as has already been suggested, it may frequently be called on to perform that office. Cases may occur in the course of its legislative or executive proceedings in which it may be indispensable to the proper exercise of its powers that it should inquire into and decide upon the conduct of the President or other public officers, and in every such case its constitutional right to do so is cheerfully conceded. But to authorize the Senate to enter on such a task in its legislative or executive capacity the inquiry must actually grow out of and tend to some legislative or executive action, and the decision, when expressed, must take the form of some appropriate legislative or executive act.

The resolution in question was introduced, discussed, and passed not as a joint but as a separate resolution. It asserts no legislative power, proposes no legislative action, and neither possesses the form nor any of the attributes of a legislative measure. It does not appear to have been entertained or passed with any view or expectation of its issuing in a law or joint resolution, or in the repeal of any law or joint resolution, or in any other legislative action.

Whilst wanting both the form and substance of a legislative measure, it is equally manifest that the resolution was not justified by any of the executive powers conferred on the Senate. These powers relate exclusively to the consideration of treaties and nominations to office, and they are exercised in secret session and with closed doors. This resolution does not apply to any treaty or nomination, and was passed in a public session.

Nor does this proceeding in any way belong to that class of incidental resolutions which relate to the officers of the Senate, to their Chamber and other appurtenances, or to subjects of order and other matters of the like nature, in all which either House may lawfully proceed without any cooperation with the other or with the President.

On the contrary, the whole phraseology and sense of the resolution seem to be judicial. Its essence, true character, and only practical effect are to be found in the conduct which it charges upon the President and in the judgment which it pronounces on that conduct. The resolution, therefore, though discussed and adopted by the Senate in its legislative capacity, is in its office and in all its characteristics essentially judicial.

That the Senate possesses a high judicial power and that instances may occur in which the President of the United States will be amenable to it is undeniable; but under the provisions of the Constitution it would seem to be equally plain that neither the President nor any other officer can be rightfully subjected to the operation of the judicial power of the Senate except in the cases and under the forms prescribed by the Constitution.

The Constitution declares that "the President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors;" that the House of Representatives "shall have the sole power of impeachment;" that the Senate "shall have the sole power to try all impeachments;" that "when sitting for that purpose they shall be on oath or affirmation;" that "when the President of the United States is tried the Chief Justice shall preside;" that "no person shall be convicted without the concurrence of two-thirds of the members present," and that "judgment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States."

The resolution above quoted charges, in substance, that in certain proceedings relating to the public revenue the President has usurped authority and power not conferred upon him by the Constitution and laws, and that in doing so he violated both. Any such act constitutes a high crime—one of the highest, indeed, which the President can commit—a crime which justly exposes him to impeachment by the House of Representatives, and, upon due conviction, to removal from office and to the complete and immutable disfranchisement prescribed by the Constitution. The resolution, then, was in substance an impeachment of the President, and in its passage amounts to a declaration by a majority of the Senate that he is guilty of an impeachable offense. As such it is spread upon the journals of the Senate, published to the nation and to the world, made part of our enduring archives, and incorporated in the history of the age. The punishment of removal from office and future disqualification does not, it is true, follow this decision, nor would it have followed the like decision if the regular forms of proceeding had been pursued, because the requisite number did not concur in the result. But the moral influence of a solemn declaration by a majority of the Senate that the accused is guilty of the offense charged upon him has been as effectually secured as if the like declaration had been made upon an impeachment expressed in the same terms. Indeed, a greater practical effect has been gained, because the votes given for the resolution, though not sufficient to authorize a judgment of guilty on an impeachment, were numerous enough to carry that resolution.

That the resolution does not expressly allege that the assumption of power and authority which it condemns was intentional and corrupt is no answer to the preceding view of its character and effect. The act thus condemned necessarily implies volition and design in the individual to whom it is imputed, and, being unlawful in its character, the legal conclusion is that it was prompted by improper motives and committed with an unlawful intent. The charge is not of a mistake in the exercise of supposed powers, but of the assumption of powers not conferred by the Constitution and laws, but in derogation of both, and nothing is suggested to excuse or palliate the turpitude of the act. In the absence of any such excuse or palliation there is only room for one inference, and that is that the intent was unlawful and corrupt. Besides, the resolution not only contains no mitigating suggestions, but, on the contrary, it holds up the act complained of as justly obnoxious to censure and reprobation, and thus as distinctly stamps it with impurity of motive as if the strongest epithets had been used.

The President of the United States, therefore, has been by a majority of his constitutional triers accused and found guilty of an impeachable offense, but in no part of this proceeding have the directions of the Constitution been observed.

The impeachment, instead of being preferred and prosecuted by the House of Representatives, originated in the Senate, and was prosecuted without the aid or concurrence of the other House. The oath or affirmation prescribed by the Constitution was not taken by the Senators, the Chief Justice did not preside, no notice of the charge was given to the accused, and no opportunity afforded him to respond to the accusation, to meet his accusers face to face, to cross-examine the witnesses, to procure counteracting testimony, or to be heard in his defense. The safeguards and formalities which the Constitution has connected with the power of impeachment were doubtless supposed by the framers of that instrument to be essential to the protection of the public servant, to the attainment of justice, and to the order, impartiality, and dignity of the procedure. These safeguards and formalities were not only practically disregarded in the commencement and conduct of these proceedings, but in their result I find myself convicted by less than two-thirds of the members present of an impeachable offense.

In vain may it be alleged in defense of this proceeding that the form of the resolution is not that of an impeachment or of a judgment thereupon, that the punishment prescribed in the Constitution does not follow its adoption, or that in this case no impeachment is to be expected from the House of Representatives. It is because it did not assume the form of an impeachment that it is the more palpably repugnant to the Constitution, for it is through that form only that the President is judicially responsible to the Senate; and though neither removal from office nor future disqualification ensues, yet it is not to be presumed that the framers of the Constitution considered either or both of those results as constituting the whole of the punishment they prescribed. The judgment of *guilty* by the highest tribunal in the Union, the stigma it would inflict on the offender, his family, and fame, and the perpetual record on the Journal, handing down to future generations the story of his disgrace, were doubtless regarded by them as the bitterest portions, if not the very essence, of that punishment. So far, therefore, as some of its most material parts are concerned, the passage, recording, and promulgation of the resolution are an attempt to bring them on the President in a manner unauthorized by the Constitution. To shield him and other officers who are liable to impeachment from consequences so momentous, except when really merited by official delinquencies, the Constitution has most carefully guarded the whole process of impeachment. A majority of the House of Representatives must think the officer guilty before he can be charged. Two-thirds of the Senate must pronounce him guilty or he is deemed to be innocent. Forty-six Senators appear by the Journal to have been present when the vote on the resolution was taken. If after all the solemnities of an impeachment thirty of those Senators had voted that the President was guilty, yet would he have been acquitted; but by the mode of proceeding adopted in the present case a lasting record of conviction has been entered up by the votes of twenty-six Senators without an impeachment or trial, whilst the Constitution expressly declares that to the entry of such a judgment an accusation by the House of Representatives, a trial by the Senate, and a concurrence of two-thirds in the vote of guilty shall be indispensable prerequisites.

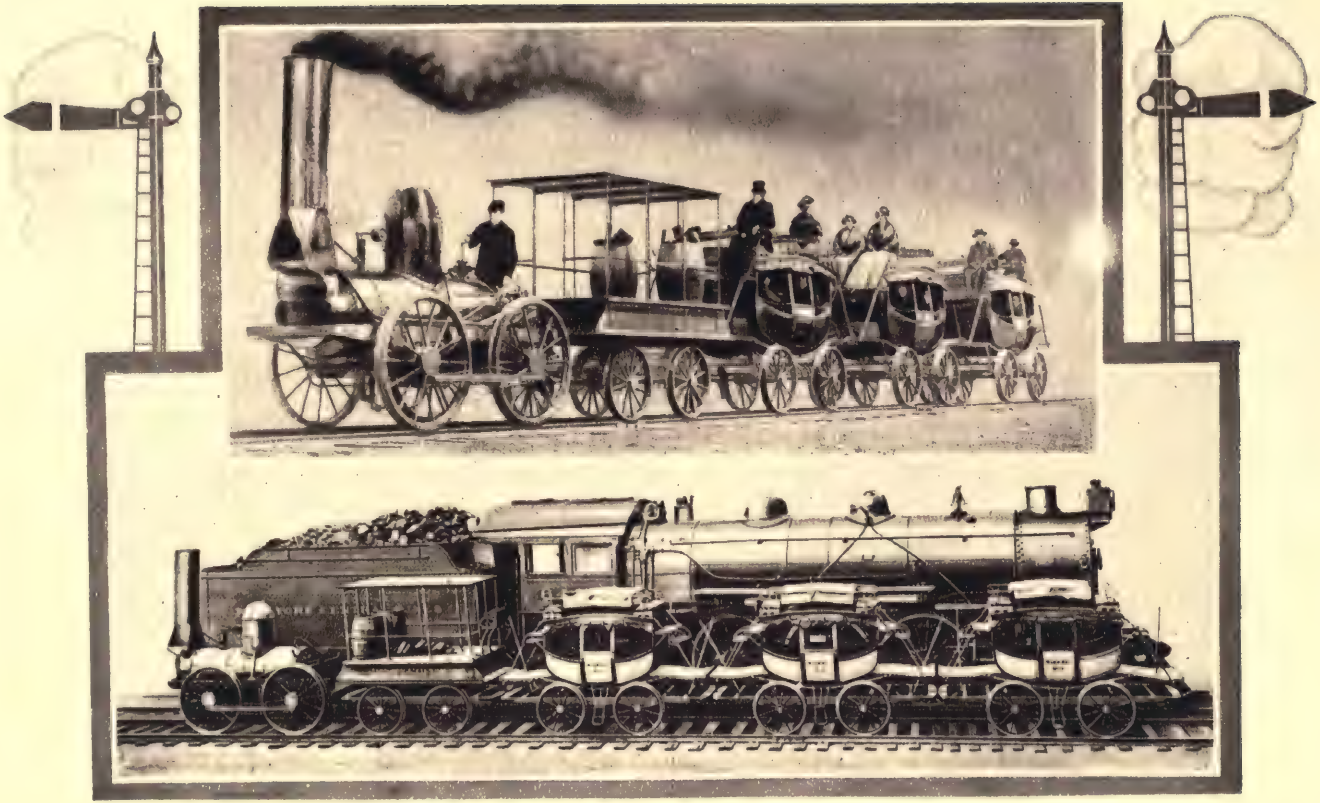
Whether or not an impeachment was to be expected from the House of Representatives was a point on which the Senate had no constitutional right to speculate, and in respect to which, even had it possessed the spirit of prophecy, its anticipations would have furnished no just ground for this procedure. Admitting that there was reason to believe that a violation of the Constitution and laws had been actually committed by the President, still it was the duty of the Senate, as his sole constitutional judges, to wait for an impeachment until the other House should think proper to prefer it. The members of the Senate could have no right to infer that no impeachment was intended. On the contrary, every legal and rational presumption on their part ought to have been that if there was good reason to believe him guilty of an impeachable offense the House of Representatives would perform its constitutional duty by arraigning the offender before the justice of his country. The contrary presumption would involve an implication derogatory to the integrity and honor of the representatives of the people. But suppose the suspicion thus implied were actually entertained and for good cause, how can it justify the assumption by the Senate of powers not conferred by the Constitution?

It is only necessary to look at the condition in which the Senate and the President have been placed by this proceeding to perceive its utter incompatibility with the provisions and the spirit of the Constitution and with the plainest dictates of humanity and justice.

If the House of Representatives shall be of opinion that there is just ground for the censure pronounced upon the President, then will it be the solemn duty of that House to prefer the proper accusation and to cause him to be brought to trial by the constitutional tribunal. But in what condition would he find that tribunal? A majority of its members have already considered the case, and have not only formed but expressed a deliberate judgment upon its merits. It is the policy of our benign systems of jurisprudence to secure in all criminal proceedings, and even in the most trivial litigations, a fair, unprejudiced, and impartial trial, and surely it can not be less important that such a trial should be secured to the highest officer of the Government.

The Constitution makes the House of Representatives the exclusive judges, in the first instance, of the question whether the President has committed an impeachable offense. A majority of the Senate, whose interference with this preliminary question has for the best of all reasons been studiously excluded, anticipate the action of the House of Representatives, assume not only the function which belongs exclusively to that body, but convert themselves into accusers, witnesses, counsel, and judges, and prejudge the whole case, thus presenting the appalling spectacle in a free State of judges going through a labored preparation for an impartial hearing and decision by a previous *ex parte* investigation and sentence against the supposed offender.

There is no more settled axiom in that Government whence we derived the model of this part of our Constitution than that "the lords can not impeach any to themselves, nor join in the accusation, *because they are judges.*" Independently of the general reasons on which this rule is founded, its propriety and importance are greatly increased by the nature of the impeaching power. The power of arraigning the high officers of government before a tribunal whose sentence may expel them from their seats and brand them as infamous is eminently a popular remedy—a remedy designed to be employed for the protection of private right and public liberty against the abuses of injustice and the encroachments of arbitrary power. But the framers of the Constitution were also undoubtedly aware that this formidable instrument had been and might be abused, and that from its very nature an impeachment for high crimes



FIRST RAILROAD TRAIN IN THE UNITED STATES

RAILROAD DEVELOPMENT

In 1825 New York granted the first railroad charter to a company called the Mohawk and Hudson Railroad Company. In 1831 that road was completed. The type of rolling-stock is shown in the illustration. The earliest application of the railway seems to have been in 1807, when one Stephen Whitney laid rails down the slope of Beacon Hill in Boston to facilitate the transportation of gravel. The full cars rolling down one track pulled empty cars up the other. Another man, in 1809, built a railway from his quarry to tide-water, a distance of three-quarters of a mile, and for eighteen years hauled rock over it by means of horse power. In 1827 the Maryland Legislature chartered the Baltimore and Ohio Railroad Company. In 1830 there were in the United States 23 miles of passenger railways.

Presidential references to railroad building are given in the Encyclopedic Index, under headings beginning with "Railroad Commission" and ending with "Railway Postal Service." The article "Pacific Railroads" tells the interesting story of the transcontinental systems.

and misdemeanors, whatever might be its result, would in most cases be accompanied by so much of dishonor and reproach, solicitude and suffering, as to make the power of preferring it one of the highest solemnity and importance. It was due to both these considerations that the impeaching power should be lodged in the hands of those who from the mode of their election and the tenure of their offices would most accurately express the popular will and at the same time be most directly and speedily amenable to the people. The theory of these wise and benignant intentions is in the present case effectually defeated by the proceedings of the Senate. The members of that body represent not the people, but the States; and though they are undoubtedly responsible to the States, yet from their extended term of service the effect of that responsibility during the whole period of that term must very much depend upon their own impressions of its obligatory force. When a body thus constituted expresses beforehand its opinion in a particular case, and thus indirectly invites a prosecution, it not only assumes a power intended for wise reasons to be confined to others, but it shields the latter from that exclusive and personal responsibility under which it was intended to be exercised, and reverses the whole scheme of this part of the Constitution.

Such would be some of the objections to this procedure, even if it were admitted that there is just ground for imputing to the President the offenses charged in the resolution. But if, on the other hand, the House of Representatives shall be of opinion that there is no reason for charging them upon him, and shall therefore deem it improper to prefer an impeachment, then will the violation of privilege as it respects that House, of justice as it regards the President, and of the Constitution as it relates to both be only the more conspicuous and impressive.

The constitutional mode of procedure on an impeachment has not only been wholly disregarded, but some of the first principles of natural right and enlightened jurisprudence have been violated in the very form of the resolution. It carefully abstains from averring in *which* of "the late proceedings in relation to the public revenue the President has assumed upon himself authority and power not conferred by the Constitution and laws." It carefully abstains from specifying *what laws* or *what parts* of the Constitution have been violated. Why was not the certainty of the offense—"the nature and cause of the accusation"—set out in the manner required in the Constitution before even the humblest individual, for the smallest crime, can be exposed to condemnation? Such a specification was due to the accused that he might direct his defense to the real points of attack, to the people that they might clearly understand in what particulars their institutions had been violated, and to the truth and certainty of our public annals. As the record now stands, whilst the resolution plainly charges upon the President at least one act of usurpation in "the late Executive proceedings in relation to the public revenue," and is so framed that those Senators who believed that one such act, and only one, had been committed could assent to it, its language is yet broad enough to include several such acts, and so it may have been regarded by some of those who voted for it. But though the accusation is thus comprehensive in the censures it implies, there is no such certainty of time, place, or circumstance as to exhibit the particular conclusion of fact or law which induced any one Senator to vote for it; and it may well have happened that whilst one Senator believed that some particular act embraced in the resolution was an arbitrary and unconstitutional assumption of power, others of the majority may have deemed that very act both constitutional and expedient, or, if not expedient, yet still within the pale of the Constitution; and thus a majority of the Senators may have been enabled to concur in a vague and undefined accusation that the President, in the course of "the late Executive proceedings in relation to the public revenue," had violated the Constitution and laws, whilst if a separate vote had been taken in respect to each particular act included within the general terms the accusers of the President might on any such vote have been found in the minority.

Still further to exemplify this feature of the proceeding, it is important to be remarked that the resolution as originally offered to the Senate specified with adequate precision certain acts of the President which it denounced as a violation of the Constitution and laws, and that it was not until the very close of the debate, and when perhaps it was apprehended that a majority might not sustain the specific accusation contained in it, that the resolution was so modified as to assume its present form. A more striking illustration of the soundness and necessity of the rules which forbid vague and indefinite generalities and require a reasonable certainty in all judicial allegations, and a more glaring instance of the violation of those rules, has seldom been exhibited.

In this view of the resolution it must certainly be regarded not as a vindication of any particular provision of the law or the Constitution, but simply as an official rebuke or condemnatory sentence, too general and indefinite to be easily repelled, but yet sufficiently precise to bring into discredit the conduct and motives of the Executive. But whatever it may have been intended to accomplish, it is obvious that the vague, general, and abstract form of the resolution is in perfect keeping with those other departures from first principles and settled improvements in jurisprudence so properly the boast of free countries in modern times. And it is not too much to say of the whole of these proceedings that if they shall be approved and sustained by an intelligent people, then will that great contest with arbitrary power which had established in statutes, in bills of rights, in sacred charters, and in constitutions of government the right of every citizen to a notice before trial, to a hearing before conviction, and to an impartial tribunal for deciding on the charge have been waged in vain.

If the resolution had been left in its original form it is not to be presumed that it could ever have received the assent of a majority of the Senate, for the acts therein specified as violations of the Constitution and laws were clearly within the limits of the Executive authority. They are the "dismissing the late Secretary of the Treasury because he would not, contrary to his sense of his own duty, remove the money of the United States in deposit with the Bank of the United States and its branches in conformity with the President's opinion, and appointing his successor to effect such removal, which has been done." But as no other specification has been substituted, and as these were the "Executive proceedings in relation to the public revenue" principally referred to in the course of the discussion, they will doubtless be generally regarded as the acts intended to be denounced as "an assumption of authority and power not conferred by the Constitution or laws, but in derogation of both." It is therefore due to the occasion that a condensed summary of the views of the Executive in respect to them should be here exhibited.

By the Constitution "the executive power is vested in a President of the United States." Among the duties imposed upon him, and which he is sworn to perform, is that of "taking care that the laws be faithfully executed." Being thus made responsible for the entire action of the executive department, it was but reasonable that the power of appointing, overseeing, and controlling those who execute the laws—a power in its nature executive—should remain in his hands. It is therefore not only his right, but the Constitution makes it his duty, to "nominate and, by and with the advice and consent of the Senate, appoint" all "officers of the United States whose appointments are not in the Constitution otherwise provided for," with a proviso that the appointment of inferior officers may be vested in the President alone, in the courts of justice, or in the heads of Departments.

The executive power vested in the Senate is neither that of "nominating" nor "appointing." It is merely a check upon the Executive power of appointment. If individuals are proposed for appointment by the President by them deemed incompetent or unworthy, they may withhold their consent and the appointment can not be made. They check the action of the Executive, but can not in relation to those very subjects act themselves nor direct him. Selections are still made by the President, and the negative given to the Senate, without diminishing his responsibility, furnishes an additional guaranty to the country that the subordinate executive as well as the judicial offices shall be filled with worthy and competent men.

The whole executive power being vested in the President, who is responsible for its exercise, it is a necessary consequence that he should have a right to employ agents of his own choice to aid him in the performance of his duties, and to discharge them when he is no longer willing to be responsible for their acts. In strict accordance with this principle, the power of removal, which, like that of appointment, is an original executive power, is left unchecked by the Constitution in relation to all executive officers, for whose conduct the President is responsible, while it is taken from him in relation to judicial officers, for whose acts he is not responsible. In the Government from which many of the fundamental principles of our system are derived the head of the executive department originally had power to appoint and remove at will all officers, executive and judicial. It was to take the judges out of this general power of removal, and thus make them independent of the Executive, that the tenure of their offices was changed to good behavior. Nor is it conceivable why they are placed in our Constitution upon a tenure different from that of all other officers appointed by the Executive unless it be for the same purpose.

But if there were any just ground for doubt on the face of the Constitution whether all executive officers are removable at the will of the President, it is obviated by the cotemporaneous construction of the instrument and the uniform practice under it.

The power of removal was a topic of solemn debate in the Congress of 1789 while organizing the administrative departments of the Government, and it was finally decided that the President derived from the Constitution the power of removal so far as it regards that department for whose acts he is responsible. Although the debate covered the whole ground, embracing the Treasury as well as all the other Executive Departments, it arose on a motion to strike out of the bill to establish a Department of Foreign Affairs, since called the Department of State, a clause declaring the Secretary "to be removable from office by the President of the United States." After that motion had been decided in the negative it was perceived that these words did not convey the sense of the House of Representatives in relation to the true source of the power of removal. With the avowed object of preventing any future inference that this power was exercised by the President in virtue of a grant from Congress, when in fact that body considered it as derived from the Constitution, the words which had been the subject of debate were struck out, and in lieu thereof a clause was inserted in a provision concerning the chief clerk of the Department, which declared that "whenever the said principal officer shall be removed from office by the President of the United States, or in any other case of vacancy," the chief clerk should during such vacancy have charge of the papers of the office. This change having been made for the express purpose of declaring the sense of Congress that the President derived the power of removal from the Constitution, the act as it passed has always been considered as a full expression of the sense of the Legislature on this important part of the American Constitution.

Here, then, we have the concurrent authority of President Washington, of the Senate, and the House of Representatives, numbers of whom had taken an active part in the convention which framed the Constitution and in the State conventions which adopted it, that the President derived an unqualified power of removal from that instrument itself, which is "beyond the reach of legislative authority." Upon this principle the Government has now been steadily administered for about forty-five years, during which there have been numerous removals made by the President or by his direction, embracing every grade of executive officers from the heads of Departments to the messengers of bureaus.

The Treasury Department in the discussions of 1789 was considered on the same footing as the other Executive Departments, and in the act establishing it were incorporated the precise words indicative of the sense of Congress that the President derives his power to remove the Secretary from the Constitution, which appear in the act establishing the Department of Foreign Affairs. An Assistant Secretary of the Treasury was created, and it was provided that he should take charge of the books and papers of the Department "whenever the Secretary shall be removed from office by the President of the United States." The Secretary of the Treasury being appointed by the President, and being considered as constitutionally removable by him, it appears never to have occurred to anyone in the Congress of 1789, or since until very recently, that he was other than an executive officer, the mere instrument of the Chief Magistrate in the execution of the laws, subject, like all other heads of Departments, to his supervision and control. No such idea as an officer of the Congress can be found in the Constitution or appears to have suggested itself to those who organized the Government. There are officers of each House the appointment of which is authorized by the Constitution, but all officers referred to in that instrument as coming within the appointing power of the President, whether established thereby or created by law, are "officers of the United States." No joint power of appointment is given to the two Houses of Congress, nor is there any accountability to them as one body; but as soon as any office is created by law, of whatever name or character, the appointment of the person or persons to fill it devolves by the Constitution upon the President, with the advice and consent of the Senate, unless it be an inferior office, and the appointment be vested by the law itself "in the President alone, in the courts of law, or in the heads of Departments."

But at the time of the organization of the Treasury Department an incident occurred which distinctly evinces the unanimous concurrence of the First Congress in the principle that the Treasury Department is wholly executive in its character and responsibilities. A motion was made to strike out the provision of the bill making it the duty of the Secretary "to digest and report plans for the improvement and management of the revenue and for the support of public credit," on the ground that it would give the executive department of the Government too much influence and power in Congress. The motion was not opposed on the ground that the Secretary was the officer of Congress and responsible to that body, which would have been conclusive if admitted, but on other ground, which conceded his executive character throughout. The whole discussion evinces an unanimous concurrence in the principle that the Secretary of the Treasury is wholly an executive officer, and the struggle of the minority was to restrict his power as such. From that time down to the present the Secretary of the Treasury, the Treasurer, Register, Comptrollers, Auditors, and clerks who fill the offices of that Department have in the practice of the Government been considered and treated as on the same footing with corresponding grades of officers in all the other Executive Departments.

The custody of the public property, under such regulations as may be prescribed by legislative authority, has always been considered an appropriate function of the executive department in this and all other Governments. In accordance with this principle, every species of property belonging to the United States (excepting that which is in the use of the several coordinate departments of the Government as means to aid them in performing their appropriate functions) is in charge of officers appointed by the President, whether it be lands, or buildings, or merchandise, or provisions, or clothing, or arms and munitions of war. The superintendents and keepers of the whole are appointed by the President, responsible to him, and removable at his will.

Public money is but a species of public property. It can not be raised by taxation or customs, nor brought into the Treasury in any other way except by law; but whenever or howsoever obtained, its custody always has been and always must be, unless the Constitution be changed, intrusted to the executive department. No officer can be created by Congress for the purpose of taking charge of it whose appointment would not by the Constitution at once devolve on the President and who would not be responsible to him for the faithful performance of his duties. The legislative power may undoubtedly bind him and the President by any laws they may think proper to enact; they may prescribe in what place particular portions of the public property shall be kept and for what reason it shall be removed, as they may direct that supplies for the Army or Navy shall be kept in particular stores, and it will be the duty of the President to see that the law is faithfully executed; yet will the custody remain in the executive department of the Government. Were the Congress to assume, with or without a legislative act, the power of appointing officers, independently of the President, to take the charge and custody of the public property contained in the military and naval arsenals, magazines, and storehouses, it is believed that such an act would be regarded by all as a palpable usurpation of executive power, subversive of the form as well as the fundamental principles of our Government. But where is the difference in principle whether the public property be in the form of arms, munitions of war, and supplies or in gold and silver or bank notes? None can be perceived; none is believed to exist. Congress can not, therefore, take out of the hands of the executive department the custody of the public property or money without an assumption of executive power and a subversion of the first principles of the Constitution.

The Congress of the United States have never passed an act imperatively directing that the public moneys shall be kept in any particular place or places. From the origin of the Government to the year 1816 the statute book was wholly silent on the subject. In 1789 a Treasurer was created, subordinate to the Secretary of the Treasury, and through him to the President. He was required to give bond safely to keep and faithfully to disburse the public moneys, without any direction as to the manner or places in which they should be kept. By reference to the practice of the Government it is found that from its first organization the Secretary of the Treasury, acting under the supervision of the President, designated the places in which the public moneys should be kept, and especially directed all transfers from place to place. This practice was continued, with the silent acquiescence of Congress, from 1789 down to 1816, and although many banks were selected and discharged, and although a portion of the moneys were first placed in the State banks, and then in the former Bank of the United States, and upon the dissolution of that were again transferred to the State banks, no legislation was thought necessary by Congress, and all the operations were originated and perfected by Executive authority. The Secretary of the Treasury, responsible to the President, and with his approbation, made contracts and arrangements in relation to the whole subject-matter, which was thus entirely committed to the direction of the President under his responsibilities to the American people and to those who were authorized to impeach and punish him for any breach of this important trust.

The act of 1816 establishing the Bank of the United States directed the deposits of public money to be made in that bank and its branches in places in which the said bank and branches thereof may be established, "unless the Secretary of the Treasury should otherwise order and direct," in which event he was required to give his reasons to Congress. This was but a continuation of his preexisting power as the head of an Executive Department to direct where the deposits should be made, with the superadded obligation of giving his reasons to Congress for making them elsewhere than in the Bank of the United States and its branches. It is not to be considered that this provision in any degree altered the relation between the Secretary of the Treasury and the President as the responsible head of the executive department, or released the latter from his constitutional obligation to "take care that the laws be faithfully executed." On the contrary, it increased his responsibilities by adding another to the long list of laws which it was his duty to carry into effect.

It would be an extraordinary result if because the person charged by law with a public duty is one of his Secretaries it were less the duty of the President to see that law faithfully executed than other laws enjoining duties upon subordinate officers or private citizens. If there be any difference, it would seem that the obligation is the stronger in relation to the former, because the neglect is in his presence and the remedy at hand.

It can not be doubted that it was the legal duty of the Secretary of the Treasury to order and direct the deposits of the public money to be made elsewhere than in the Bank of the United States *whenever sufficient reasons existed for making the change.* If in such a case he neglected or refused to act, he would neglect or refuse to execute the law. What would be the sworn duty of the President? Could he say that the Constitution did not bind him to see the law faithfully executed because it was one of his Secretaries and not himself upon whom the service was specially imposed? Might he not be asked whether there was any such limitation to his obligations prescribed in the Constitution? Whether he is not equally bound to take care that the laws be faithfully executed, whether they impose duties on the highest officer of State or the lowest subordinate in any of the Departments? Might he not be told that it was for the sole purpose of causing all executive officers, from the highest to the lowest, faithfully to perform the services required of them by law that the people of the United States have made him their Chief Magistrate and the Constitution has clothed him with the entire executive power of this Government? The principles implied in these questions appear too plain to need elucidation.

But here also we have a cotemporaneous construction of the act which shows that it was not understood as in any way changing the relations between the President and Secretary of the Treasury, or as placing the latter out of Executive control even in relation to the deposits of the public money. Nor on that point are we left to any equivocal testimony. The documents of the Treasury Department show that the Secretary of the Treasury did apply to the President and obtained his approbation and sanction to the original transfer of the public deposits to the present Bank of the United States, and did carry the measure into effect in obedience to his decision. They also show that transfers of the public deposits from the branches of the Bank of the United States to State banks at Chillicothe, Cincinnati, and Louisville, in 1819, were made with the approbation of the President and by his authority. They show that upon all important questions appertaining to his Department, whether they related to the public deposits or other matters, it was the constant practice of the Secretary of the Treasury to obtain for his acts the approval and sanction of the President. These acts and the principles on which they were founded were known to all the departments of the Government, to Congress and the country, and until very recently appear never to have been called in question.

Thus was it settled by the Constitution, the laws, and the whole practice of the Government that the entire executive power is vested in the President of the United States; that as incident to that power the right of appointing and removing those officers who are to aid him in the execution of the laws, with such restrictions only as the Constitution prescribes, is vested in the President; that the Secretary of the Treasury is one of those officers; that the custody of the public property and money is an Executive function which, in relation to the money, has always been exercised through the Secretary of the Treasury and his subordinates; that in the performance of these duties he is subject to the supervision and control of the President, and in all important measures having relation to them consults the Chief Magistrate and obtains his approval and sanction; that the law establishing the bank did not, as it could not, change the relation between the President and the Secretary—did not release the former from his obligation to see the law faithfully executed nor the latter from the President's supervision and control; that afterwards and before the Secretary did in fact consult and obtain the sanction of the President to transfers and removals of the public deposits, and that all departments of the Government, and the nation itself, approved or acquiesced in these acts and principles as in strict conformity with our Constitution and laws.

During the last year the approaching termination, according to the provisions of its charter and the solemn decision of the American people, of the Bank of the United States made it expedient, and its exposed abuses and corruptions made it, in my opinion, the duty of the Secretary of the Treasury, to place the moneys of the United States in other depositories. The Secretary did not concur in that opinion, and declined giving the necessary order and direction. So glaring were the abuses and corruptions of the bank, so evident its fixed purpose to persevere in them, and so palpable its design by its money and power to control the Government and change its character, that I deemed it the imperative duty of the Executive authority, by the exertion of every power confided to it by the Constitution and laws, to check its career and lessen its ability to do mischief, even in the painful alternative of dismissing the head of one of the Departments. At the time the removal was made other causes sufficient to justify it existed, but if they had not the Secretary would have been dismissed for this cause only.

His place I supplied by one whose opinions were well known to me, and whose frank expression of them in another situation and generous sacrifices of interest and feeling when unexpectedly called to the station he now occupies ought forever to have shielded his motives from suspicion and his character from reproach. In accordance with the views long before expressed by him he proceeded, with my sanction, to make arrangements for depositing the moneys of the United States in other safe institutions.

The resolution of the Senate as originally framed and as passed, if it refers to these acts, presupposes a right in that body to interfere with this exercise of Executive power. If the principle be once admitted, it is not difficult to perceive where it may end. If by a mere denunciation like this resolution the President should ever be induced to act in a matter of official duty contrary to the honest convictions of his own mind in compliance with the wishes of the Senate, the constitutional independence of the executive department would be as effectually destroyed and its power as effectually transferred to the Senate as if that end had been accomplished by an amendment of the Constitution. But if the Senate have a right to interfere with the Executive powers, they have also the right to make that interference effective, and if the assertion of the power implied in the resolution be silently acquiesced in we may reasonably apprehend that it will be followed at some future day by an attempt at actual enforcement. The Senate may refuse, except on the condition that he will surrender his opinions to theirs and obey their will, to perform their own constitutional functions, to pass the necessary laws, to sanction appropriations proposed by the House of Representatives, and to confirm proper nominations made by the President. It has already been maintained (and it is not conceivable that the resolution of the Senate can be based on any other principle) that the Secretary of the Treasury is the officer of Congress and independent of the President; that the President has no right to control him, and consequently none to remove him. With the same propriety and on similar grounds may the Secretary of State, the Secretaries of War and the Navy, and the Postmaster-General each in succession be declared independent of the President, the subordinates of Congress, and removable only with the concurrence of the Senate. Followed to its consequences, this principle will be found effectually to destroy one coordinate department of the Government, to concentrate in the hands of the Senate the whole executive power, and to leave the President as powerless as he would be useless—the shadow of authority after the substance had departed.

The time and the occasion which have called forth the resolution of the Senate seem to impose upon me an additional obligation not to pass it over in silence. Nearly forty-five years had the President exercised, without a question as to his rightful authority, those powers for the recent assumption of which he is now denounced. The vicissitudes of peace and war had attended our Government; violent parties, watchful to take advantage of any seeming usurpation on the part of the Executive, had distracted our councils; frequent removals, or forced resignations in every sense tantamount to removals, had been made of the Secretary and other officers of the Treasury, and yet in no one instance is it known that any man, whether patriot or partisan, had raised his voice against it as a violation of the Constitution. The expediency and justice of such changes in reference to public officers of all grades have frequently been the topic of discussion, but the constitutional right of the President to appoint, control, and remove the head of the Treasury as well as all other Departments seems to have been universally conceded. And what is the occasion upon which other principles have been first officially asserted? The Bank of the United States, a great moneyed monopoly, had attempted to obtain a renewal of its charter by controlling the elections of the people and the action of the Government. The use of its corporate funds and power in that attempt was fully disclosed, and it was made known to the President that the corporation was putting in train the same course of measures, with the view of making another vigorous effort, through an interference in the elections of the people, to control public opinion and force the Government to yield to its demands. This, with its corruption of the press, its violation of its charter, its exclusion of the Government directors from its proceedings, its neglect of duty and arrogant pretensions, made it, in the opinion of the President, incompatible with the public interest and the safety of our institutions that it should be longer employed as the fiscal agent of the Treasury. A Secretary of the Treasury appointed in the recess of the Senate, who had not been confirmed by that body, and whom the President might or might not at his pleasure nominate to them, refused to do what his superior in the executive department considered the most imperative of his duties, and became in fact, however innocent his motives, the protector of the bank. And on this occasion it is discovered for the first time that those who framed the Constitution misunderstood it; that the First Congress and all its successors have been under a delusion; that the practice of near forty-five years is but a continued usurpation; that the Secretary of the Treasury is not responsible to the President, and that to remove him is a violation of the Constitution and laws for which the President deserves to stand forever dishonored on the journals of the Senate.

There are also some other circumstances connected with the discussion and passage of the resolution to which I feel it to be not only my right, but my duty, to refer. It appears by the Journal of the Senate that among the twenty-six Senators who voted for the resolution on its final passage, and who had supported it in debate in its original form, were one of the Senators from the State of Maine, the two Senators from New Jersey, and one of the Senators from Ohio. It also appears by the same Journal and by the files of the Senate that the legislatures of these States had severally expressed their opinions in respect to the Executive proceedings drawn in question before the Senate.

The two branches of the legislature of the State of Maine on the 25th of January, 1834, passed a preamble and series of resolutions in the following words:

Whereas at an early period after the election of Andrew Jackson to the Presidency, in accordance with the sentiments which he had uniformly expressed, the attention of Congress was called to the constitutionality and expediency of the renewal of the charter of the United States Bank; and

Whereas the bank has transcended its chartered limits in the management of its business transactions, and has abandoned the object of its creation by engaging in political controversies, by wielding its power and influence to embarrass the Administration of the General Government, and by bringing insolvency and distress upon the commercial community; and

Whereas the public security from such an institution consists less in its present pecuniary capacity to discharge its liabilities than in the fidelity with which the trusts reposed in it have been executed; and

Whereas the abuse and misapplication of the powers conferred have destroyed the confidence of the public in the officers of the bank and demonstrated that such powers endanger the stability of republican institutions: Therefore,

Resolved, That in the removal of the public deposits from the Bank of the United States, as well as in the manner of their removal, we recognize in the Administration an adherence to constitutional rights and the performance of a public duty.

Resolved, That this legislature entertain the same opinion as heretofore expressed by preceding legislatures of this State, that the Bank of the United States ought not to be rechartered.

Resolved, That the Senators of this State in the Congress of the United States be instructed and the Representatives be requested to oppose the restoration of the deposits and the renewal of the charter of the United States Bank.

On the 11th of January, 1834, the house of assembly and council composing the legislature of the State of New Jersey passed a preamble and a series of resolutions in the following words:

Whereas the present crisis in our public affairs calls for a decided expression of the voice of the people of this State; and

Whereas we consider it the undoubted right of the legislatures of the several States to instruct those who represent their interests in the councils of the nation in all matters which intimately concern the public weal and may affect the happiness or well-being of the people: Therefore,

1. *Be it resolved by the council and general assembly of this State*, That while we acknowledge with feelings of devout gratitude our obligations to the Great Ruler of Nations for His mercies to us as a people that we have been preserved alike from foreign war, from the evils of internal commotions, and the machinations of designing and ambitious men who would prostrate the fair fabric of our Union, that we ought nevertheless to humble ourselves in His presence and implore His aid for the perpetuation of our republican institutions and for a continuance of that unexampled prosperity which our country has hitherto enjoyed.

2. *Resolved*, That we have undiminished confidence in the integrity and firmness of the venerable patriot who now holds the distinguished post of Chief Magistrate of this nation, and whose purity of purpose and elevated motives have so often received the unqualified approbation of a large majority of his fellow-citizens.

3. *Resolved*, That we view with agitation and alarm the existence of a great moneyed incorporation which threatens to embarrass the operations of the Government and by means of its unbounded influence upon the currency of the country to scatter distress and ruin throughout the community, and that we therefore solemnly believe the present Bank of the United States ought not to be rechartered.

4. *Resolved*, That our Senators in Congress be instructed and our members of the House of Representatives be requested to sustain, by their votes and influence, the course adopted by the Secretary of the Treasury, Mr. Taney, in relation to the Bank of the United States and the deposits of the Government moneys, believing as

we do the course of the Secretary to have been constitutional, and that the public good required its adoption.

5. *Resolved*, That the governor be requested to forward a copy of the above resolutions to each of our Senators and Representatives from this State to the Congress of the United States.

On the 21st day of February last the legislature of the same State reiterated the opinions and instructions before given by joint resolutions in the following words:

Resolved by the council and general assembly of the State of New Jersey, That they do adhere to the resolutions passed by them on the 11th day of January last, relative to the President of the United States, the Bank of the United States, and the course of Mr. Taney in removing the Government deposits.

Resolved, That the legislature of New Jersey have not seen any reason to depart from such resolutions since the passage thereof, and it is their wish that they should receive from our Senators and Representatives of this State in the Congress of the United States that attention and obedience which are due to the opinion of a sovereign State openly expressed in its legislative capacity.

On the 2d of January, 1834, the senate and house of representatives composing the legislature of Ohio passed a preamble and resolutions in the following words:

Whereas there is reason to believe that the Bank of the United States will attempt to obtain a renewal of its charter at the present session of Congress; and

Whereas it is abundantly evident that said bank has exercised powers derogatory to the spirit of our free institutions and dangerous to the liberties of these United States; and

Whereas there is just reason to doubt the constitutional power of Congress to grant acts of incorporation for banking purposes out of the District of Columbia; and

Whereas we believe the proper disposal of the public lands to be of the utmost importance to the people of these United States, and that honor and good faith require their equitable distribution: Therefore,

Resolved by the general assembly of the State of Ohio, That we consider the removal of the public deposits from the Bank of the United States as required by the best interests of our country, and that a proper sense of public duty imperiously demanded that that institution should be no longer used as a depository of the public funds.

Resolved also, That we view with decided disapprobation the renewed attempts in Congress to secure the passage of the bill providing for the disposal of the public domain upon the principles proposed by Mr. Clay, inasmuch as we believe that such a law would be unequal in its operations and unjust in its results.

Resolved also, That we heartily approve of the principles set forth in the late veto message upon that subject; and

Resolved, That our Senators in Congress be instructed and our Representatives requested to use their influence to prevent the rechartering of the Bank of the United States, to sustain the Administration in its removal of the public deposits, and to oppose the passage of a land bill containing the principles adopted in the act upon that subject passed at the last session of Congress.

Resolved, That the governor be requested to transmit copies of the foregoing preamble and resolutions to each of our Senators and Representatives.

It is thus seen that four Senators have declared by their votes that the President, in the late Executive proceedings in relation to the revenue, had been guilty of the impeachable offense of "assuming upon himself authority and power not conferred by the Constitution and laws, but in derogation of both,'' whilst the legislatures of their respective States had deliberately approved those very proceedings as consistent with the Constitution and demanded by the public good. If these four votes had been given in accordance with the sentiments of the legislatures, as above expressed, there would have been but twenty-two votes out of forty-six for censuring the President, and the unprecedented record of his conviction could not have been placed upon the Journal of the Senate.

In thus referring to the resolutions and instructions of the State legislatures I disclaim and repudiate all authority or design to interfere with the responsibility due from members of the Senate to their own consciences, their constituents, and their country. The facts now stated belong to the history of these proceedings, and are important to the just development of the principles and interests involved in them as well as to the proper vindication of the executive department, and with that view, and that view only, are they here made the topic of remark.

The dangerous tendency of the doctrine which denies to the President the power of supervising, directing, and controlling the Secretary of the Treasury in like manner with the other executive officers would soon be manifest in practice were the doctrine to be established. The President is the direct representative of the American people, but the Secretaries are not. If the Secretary of the Treasury be independent of the President in the execution of the laws, then is there no direct responsibility to the people in that important branch of this Government to which is committed the care of the national finances. And it is in the power of the Bank of the United States, or any other corporation, body of men, or individuals, if a Secretary shall be found to accord with them in opinion or can be induced in practice to promote their views, to control through him the whole action of the Government (so far as it is exercised by his Department) in defiance of the Chief Magistrate elected by the people and responsible to them.

But the evil tendency of the particular doctrine adverted to, though sufficiently serious, would be as nothing in comparison with the pernicious consequences which would inevitably flow from the approbation and allowance by the people and the practice by the Senate of the unconstitutional power of arraigning and censuring the official conduct of the Executive in the manner recently pursued. Such proceedings are eminently calculated to unsettle the foundations of the Government, to disturb the harmonious action of its different departments, and to break down the checks and balances by which the wisdom of its framers sought to insure its stability and usefulness.

The honest differences of opinion which occasionally exist between the Senate and the President in regard to matters in which both are obliged to participate are sufficiently embarrassing; but if the course recently adopted by the Senate shall hereafter be frequently pursued, it is not only obvious that the harmony of the relations between the President and the Senate will be destroyed, but that other and graver effects will ultimately ensue. If the censures of the Senate be submitted to by the President, the confidence of the people in his ability and virtue and the character and usefulness of his Administration will soon be at an end, and the real power of the Government will fall into the hands of a body holding their offices for long terms, not elected by the people and not to them directly responsible. If, on the other hand, the illegal censures of the Senate should be resisted by the President, collisions and angry controversies might ensue, discreditable in their progress and in the end compelling the people to adopt the conclusion either that their Chief Magistrate was unworthy of their respect or that the Senate was chargeable with calumny and injustice. Either of these results would impair public confidence in the perfection of the system and lead to serious alterations of its framework or to the practical abandonment of some of its provisions.

The influence of such proceedings on the other departments of the Government, and more especially on the States, could not fail to be extensively pernicious. When the judges in the last resort of official misconduct themselves overleap the bounds of their authority as prescribed by the Constitution, what general disregard of its provisions might not their example be expected to produce? And who does not perceive that such contempt of the Federal Constitution by one of its most important departments would hold out the strongest temptations to resistance on the part of the State sovereignties whenever they shall suppose their just rights to have been invaded? Thus all the independent departments of the Government, and the States which compose our confederated Union, instead of attending to their appropriate duties and leaving those who may offend to be reclaimed or punished in the manner pointed out in the Constitution, would fall to mutual crimination and recrimination and give to the people confusion and anarchy instead of order and law, until at length some form of aristocratic power would be established on the ruins of the Constitution or the States be broken into separate communities.

Far be it from me to charge or to insinuate that the present Senate of the United States intend in the most distant way to encourage such a result. It is not of their motives or designs, but only of the tendency of their acts, that it is my duty to speak. It is, if possible, to make Senators themselves sensible of the danger which lurks under the precedent set in their resolution, and at any rate to perform my duty as the responsible head of one of the coequal departments of the Government, that I have been compelled to point out the consequences to which the discussion and passage of the resolution may lead if the tendency of the measure be not checked in its inception. It is due to the high trust with which I have been charged, to those who may be called to succeed me in it, to the representatives of the people whose constitutional prerogative has been unlawfully assumed, to the people and to the States, and to the Constitution they have established that I should not permit its provisions to be broken down by such an attack on the executive department without at least some effort "to preserve, protect, and defend" them. With this view, and for the reasons which have been stated, I do hereby *solemnly protest* against the aforementioned proceedings of the Senate as unauthorized by the Constitution, contrary to its spirit and to several of its express provisions, subversive of that distribution of the powers of government which it has ordained and established, destructive of the checks and safeguards by which those powers were intended on the one hand to be controlled and on the other to be protected, and calculated by their immediate and collateral effects, by their character and tendency, to concentrate in the hands of a body not directly amenable to the people a degree of influence and power dangerous to their liberties and fatal to the Constitution of their choice.

The resolution of the Senate contains an imputation upon my private as well as upon my public character, and as it must stand forever on their journals, I can not close this substitute for that defense which I have not been allowed to present in the ordinary form without remarking that I have lived in vain if it be necessary to enter into a formal vindication of my character and purposes from such an imputation. In vain do I bear upon my person enduring memorials of that contest in which American liberty was purchased; in vain have I since periled property, fame, and life in defense of the rights and privileges so dearly bought; in vain am I now, without a personal aspiration or the hope of individual advantage, encountering responsibilities and dangers from which by mere inactivity in relation to a single point I might have been exempt, if any serious doubts can be entertained as to the purity of my purposes and motives. If I had been ambitious, I should have sought an alliance with that powerful institution which even now aspires to no divided empire. If I had been venal, I should have sold myself to its designs. Had I preferred personal comfort and official ease to the performance of my arduous duty, I should have ceased to molest it. In the history of conquerors and usurpers, never in the fire of youth nor in the vigor of manhood could I find an attraction to lure me from the path of duty, and now I shall scarcely find an inducement to commence their career of ambition when gray hairs and a decaying frame, instead of inviting to toil and battle, call me to the contemplation of other worlds, where conquerors cease to be honored and usurpers expiate their crimes. The only ambition I can feel is to acquit myself to Him to whom I must soon render an account of my stewardship, to serve my fellowmen, and live respected and honored in the history of my country. No; the ambition which leads me on is an anxious desire and a fixed determination to return to the people unimpaired the sacred trust they have confided to my charge; to heal the wounds of the Constitution and preserve it from further violation; to persuade my countrymen, so far as I may, that it is not in a splendid government supported by powerful monopolies and aristocratical establishments that they will find happiness or their liberties protection, but in a plain system, void of pomp, protecting all and granting favors to none, dispensing its blessings, like the dews of Heaven, unseen and unfelt save in the freshness and beauty they contribute to produce. It is such a government that the genius of our people requires; such an one only under which our States may remain for ages to come united, prosperous, and free. If the Almighty Being who has hitherto sustained and protected me will but vouchsafe to make my feeble powers instrumental to such a result, I shall anticipate with pleasure the place to be assigned me in the history of my country, and die contented with the belief that I have contributed in some small degree to increase the value and prolong the duration of American liberty.

To the end that the resolution of the Senate may not be hereafter drawn into precedent with the authority of silent acquiescence on the part of the executive department, and to the end also that my motives and views in the Executive proceedings denounced in that resolution may be known to my fellow-citizens, to the world, and to all posterity, I respectfully request that this message and protest may be entered at length on the journals of the Senate.

ANDREW JACKSON.

APRIL 21, 1834.

To the Senate of the United States:

Having reason to believe that certain passages contained in my message and protest transmitted to the Senate on the 17th [15th] instant may be misunderstood, I think it proper to state that it was not my intention to deny in the said message the power and right of the legislative department to provide by law for the custody, safe-keeping, and disposition of the public money and property of the United States.

Although I am well satisfied that such a construction is not warranted by anything contained in that message, yet aware from experience that detached passages of an argumentative document, when disconnected from their context and considered without reference to previous limitations and the particular positions they were intended to refute or to establish, may be made to bear a construction varying altogether from the sentiments really entertained and intended to be expressed, and deeply solicitous that my views on this point should not, either now or hereafter, be misapprehended, I have deemed it due to the gravity of the subject, to the great interests it involves, and to the Senate as well as to myself to embrace the earliest opportunity to make this communication.

I admit without reserve, as I have before done, the constitutional power of the Legislature to prescribe by law the place or places in which the public money or other property is to be deposited, and to make such regulations concerning its custody, removal, or disposition as they may think proper to enact. Nor do I claim for the Executive any right to the possession or disposition of the public property or treasure or any authority to interfere with the same, except when such possession, disposition, or authority is given to him by law. Nor do I claim the right in any manner to supervise or interfere with the person intrusted with such property or treasure, unless he be an officer whose appointment, under the Constitution and laws, is devolved upon the President alone or in conjunction with the Senate, and for whose conduct he is constitutionally responsible.

As the message and protest referred to may appear on the Journal of the Senate and remain among the recorded documents of the nation, I am unwilling that opinions should be imputed to me, even through misconstruction, which are not entertained, and more particularly am I solicitous that I may not be supposed to claim for myself or my successors any power or authority not clearly granted by the Constitution and laws to the President. I have therefore respectfully to request that this communication may be considered a part of that message and that it may be entered therewith on the journals of the Senate.

ANDREW JACKSON.

EXECUTIVE ORDERS.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 21, 1834.

ORDER 46.

The Major-General Commanding the Army has received through the War Department the following General Order from the President of the United States:

GENERAL ORDER.

WASHINGTON, *June 21, 1834.*

Information having been received of the death of General Lafayette, the President considers it due to his own feelings as well as to the character and services of that lamented man to announce the event to the Army and Navy.

Lafayette was a citizen of France, but he was the distinguished friend of the United States. In early life he embarked in that contest which secured freedom and independence to our country. His services and sacrifices constitute a part of our Revolutionary history, and his memory will be second only to that of Washington in the hearts of the American people. In his own country and in ours he was the zealous and uniform friend and advocate of rational liberty. Consistent in his principles and conduct, he never during a long life committed an act which exposed him to just accusation or which will expose his memory to reproach. Living at a period of great excitement and of moral and political revolutions, engaged in many of the important events which fixed the attention of the world, and invited to guide the destinies of France at two of the most momentous eras of her history, his political integrity and personal disinterestedness have not been called in question. Happy in such a life, he has been happy in his death. He has been taken from the theater of action with faculties unimpaired, with a reputation unquestioned, and an object of veneration wherever civilization and the rights of man have extended; and mourning, as we may and must, his departure, let us rejoice that this associate of Washington has gone, as we humbly hope, to rejoin his illustrious commander in the fullness of days and of honor.

He came in his youth to defend our country. He came in the maturity of his age to witness her growth in all the elements of prosperity, and while witnessing these he received those testimonials of national gratitude which proved how strong was his hold upon the affections of the American people.

One melancholy duty remains to be performed. The last major-general of the Revolutionary army has died. Himself a young and humble participator in the struggles of that period, the President feels called on as well by personal as public considerations to direct that appropriate honors be paid to the memory of this distinguished patriot and soldier. He therefore orders that the same honors be rendered upon this occasion at the different military and naval stations as were observed upon the decease of Washington, the Father of his Country, and his contemporary in arms.

In ordering this homage to be paid to the memory of one so eminent in the field, so wise in council, so endeared in private life, and so well and favorably known to both hemispheres the President feels assured that he is anticipating the sentiments not of the Army and Navy only, but of the whole American people.

ANDREW JACKSON.

In obedience to the commands of the President, the following funeral honors will be paid at the several stations of the Army:

At daybreak twenty-four guns will be fired in quick succession, and one gun at the interval of every half hour thereafter till sunset.

The flags of the several stations will during the day be at half-mast. The officers of the Army will wear crape on the left arm for the period of six months.

This order will be carried into effect under the direction of the commanding officer of each post and station the day after its reception.

By command of Major-General Macomb, commanding in chief:

R. JONES, *Adjutant-General.*

GREEN HILL, *October 12, 1834.*

Hon. LEVI WOODBURY,
Secretary of the Treasury.

MY DEAR SIR: I inclose you two letters from two of our most respectable citizens. They are good men and true. The letters relate to matters under your immediate charge, and when I come on to Washington will see about them.

Marshall was our candidate for the legislature, and has no doubt lost his election through the influence of the United States officers at that post, who are all of them opposed to us, and if we lose *Brown* this winter from the Senate it will be owing mainly and chiefly to this. The county of Carterett sends three members to the legislature, and is Jackson to the *hub;* but Major Kirby, who commands at Fort Macon, has used his influence in conjunction with D. Borden, who finds the troops with provisions, in favor of the opposition, and have beaten our men by small majorities. The troops, it seems, were paid off in Virginia money, which is below *par* in our State, and this just on the eve of the election, and hence you may see the turn that was given to the matter. Dr. Hunt, who wishes to be appointed surgeon at Occracock, is a fine man, and I should like for him to have it; but of these matters more when I see you.

You see our new bank has gone into operation. Suppose you open a correspondence [with] them about the matter we have been talking about. It is *all important* that this matter should be attended to.

With sentiments of great respect, I am, dear sir, yours, etc.,

J. SPEIGHT.

[Indorsement.]

Let a strict inquiry be had into the conduct of the officers complained of, and particularly why the paymaster has paid the troops in depreciated paper when he could as easily paid them in specie. It is his duty in all cases so to do, as all the revenue is specie and all public dues are payable in specie.

A. J.

SIXTH ANNUAL MESSAGE.

DECEMBER 1, 1834.

Fellow-Citizens of the Senate and House of Representatives:

In performing my duty at the opening of your present session it gives me pleasure to congratulate you again upon the prosperous condition of our beloved country. Divine Providence has favored us with general health, with rich rewards in the fields of agriculture and in every branch of labor, and with peace to cultivate and extend the various resources which employ the virtue and enterprise of our citizens. Let us trust that in surveying a scene so flattering to our free institutions our joint deliberations to preserve them may be crowned with success.

Our foreign relations continue, with but few exceptions, to maintain the favorable aspect which they bore in my last annual message, and promise to extend those advantages which the principles that regulate our intercourse with other nations are so well calculated to secure.

The question of the northeastern boundary is still pending with Great Britain, and the proposition made in accordance with the resolution of the Senate for the establishment of a line according to the treaty of 1783 has not been accepted by that Government. Believing that every disposition is felt on both sides to adjust this perplexing question to the satisfaction of all the parties interested in it, the hope is yet indulged that it may be effected on the basis of that proposition.

With the Governments of Austria, Russia, Prussia, Holland, Sweden, and Denmark the best understanding exists. Commerce with all is fostered and protected by reciprocal good will under the sanction of liberal conventional or legal provisions.

In the midst of her internal difficulties the Queen of Spain has ratified the convention for the payment of the claims of our citizens arising since 1819. It is in the course of execution on her part, and a copy of it is now laid before you for such legislation as may be found necessary to enable those interested to derive the benefits of it.

Yielding to the force of circumstances and to the wise counsels of time and experience, that power has finally resolved no longer to occupy the unnatural position in which she stood to the new Governments established in this hemisphere. I have the great satisfaction of stating to you that in preparing the way for the restoration of harmony between those who have sprung from the same ancestors, who are allied by common interests, profess the same religion, and speak the same language the United States have been actively instrumental. Our efforts to effect this good work will be persevered in while they are deemed useful to the parties and our entire disinterestedness continues to be felt and understood. The act of Congress to countervail the discriminating duties to the prejudice of our navigation levied in Cuba and Puerto Rico has been transmitted to the minister of the United States at Madrid, to be communicated to the Government of the Queen. No intelligence of its receipt has yet reached the Department of State. If the present condition of the country permits the Government to make a careful and enlarged examination of the true interests of these important portions of its dominions, no doubt is entertained that their future intercourse with the United States will be placed upon a more just and liberal basis.

The Florida archives have not yet been selected and delivered. Recent orders have been sent to the agent of the United States at Havana to return with all that he can obtain, so that they may be in Washington before the session of the Supreme Court, to be used in the legal questions there pending to which the Government is a party.

Internal tranquillity is happily restored to Portugal. The distracted state of the country rendered unavoidable the postponement of a final payment of the just claims of our citizens. Our diplomatic relations will be soon resumed, and the long-subsisting friendship with that power affords the strongest guaranty that the balance due will receive prompt attention.

The first installment due under the convention of indemnity with the King of the Two Sicilies has been duly received, and an offer has been made to extinguish the whole by a prompt payment—an offer I did not consider myself authorized to accept, as the indemnification provided is the exclusive property of individual citizens of the United States. The original adjustment of our claims and the anxiety displayed to fulfill at once the stipulations made for the payment of them are highly honorable to the Government of the Two Sicilies. When it is recollected that they were the result of the injustice of an intrusive power temporarily dominant in its territory, a repugnance to acknowledge and to pay which would have been neither unnatural nor unexpected, the circumstances can not fail to exalt its character for justice and good faith in the eyes of all nations.

The treaty of amity and commerce between the United States and Belgium, brought to your notice in my last annual message as sanctioned by the Senate, but the ratifications of which had not been exchanged owing to a delay in its reception at Brussels and a subsequent absence of the Belgian minister of foreign affairs, has been, after mature deliberation, finally disavowed by that Government as inconsistent with the powers and instructions given to their minister who negotiated it. This disavowal was entirely unexpected, as the liberal principles embodied in the convention, and which form the groundwork of the objections to it, were perfectly satisfactory to the Belgian representative, and were supposed to be not only within the powers granted, but expressly conformable to the instructions given to him. An offer, not yet accepted, has been made by Belgium to renew negotiations for a treaty less liberal in its provisions on questions of general maritime law.

Our newly established relations with the Sublime Porte promise to be useful to our commerce and satisfactory in every respect to this Government. Our intercourse with the Barbary Powers continues without important change, except that the present political state of Algiers has induced me to terminate the residence there of a salaried consul and to substitute an ordinary consulate, to remain so long as the place continues in the possession of France. Our first treaty with one of these powers, the Emperor of Morocco, was formed in 1786, and was limited to fifty years. That period has almost expired. I shall take measures to renew it with the greater satisfaction as its stipulations are just and liberal and have been, with mutual fidelity and reciprocal advantage, scrupulously fulfilled.

Intestine dissensions have too frequently occurred to mar the prosperity, interrupt the commerce, and distract the governments of most of the nations of this hemisphere which have separated themselves from Spain. When a firm and permanent understanding with the parent country shall have produced a formal acknowledgment of their independence, and the idea of danger from that quarter can be no longer entertained, the friends of freedom expect that those countries, so favored by nature, will be distinguished for their love of justice and their devotion to those peaceful arts the assiduous cultivation of which confers honor upon nations and gives value to human life. In the meantime I confidently hope that the apprehensions entertained that some of the people of these luxuriant regions may be tempted, in a moment of unworthy distrust of their own capacity for the enjoyment of liberty, to commit the too common error of purchasing present repose by bestowing on some favorite leaders the fatal gift of irresponsible power will not be realized. With all these Governments and with that of Brazil no unexpected changes in our relations have occurred during the present year. Frequent causes of just complaint have arisen upon the part of the citizens of the United States, sometimes from the irregular action of the constituted subordinate authorities of the maritime regions and sometimes from the leaders or partisans of those in arms against the established Governments. In all cases representations have been or will be made, and as soon as their political affairs are in a settled position it is expected that our friendly remonstrances will be followed by adequate redress.

The Government of Mexico made known in December last the appointment of commissioners and a surveyor on its part to run, in conjunction with ours, the boundary line between its territories and the United States, and excused the delay for the reasons anticipated—the prevalence of civil war. The commissioners and surveyors not having met within the time stipulated by the treaty, a new arrangement became necessary, and our chargé d'affaires was instructed in January last to negotiate in Mexico an article additional to the preexisting treaty. This instruction was acknowledged, and no difficulty was apprehended in the accomplishment of that object. By information just received that additional article to the treaty will be obtained and transmitted to this country as soon as it can receive the ratification of the Mexican Congress.

The reunion of the three States of New Grenada, Venezuela, and Equador, forming the Republic of Colombia, seems every day to become more improbable. The commissioners of the two first are understood to be now negotiating a just division of the obligations contracted by them when united under one government. The civil war in Equador, it is believed, has prevented even the appointment of a commissioner on its part.

I propose at an early day to submit, in the proper form, the appointment of a diplomatic agent to Venezuela, the importance of the commerce of that country to the United States and the large claims of our citizens upon the Government arising before and since the division of Colombia rendering it, in my judgment, improper longer to delay this step.

Our representatives to Central America, Peru, and Brazil are either at or on their way to their respective posts.

From the Argentine Republic, from which a minister was expected to this Government, nothing further has been heard. Occasion has been taken on the departure of a new consul to Buenos Ayres to remind that Government that its long-delayed minister, whose appointment had been made known to us, had not arrived.

It becomes my unpleasant duty to inform you that this pacific and highly gratifying picture of our foreign relations does not include those with France at this time. It is not possible that any Government and people could be more sincerely desirous of conciliating a just and friendly intercourse with another nation than are those of the United States with their ancient ally and friend. This disposition is founded as well on the most grateful and honorable recollections associated with our struggle for independence as upon a well-grounded conviction that it is consonant with the true policy of both. The people of the United States could not, therefore, see without the deepest regret even a temporary interruption of the friendly relations between the two countries—a regret which would, I am sure, be greatly aggravated if there should turn out to be any reasonable ground for attributing such a result to any act of omission or commission on our part. I derive, therefore, the highest satisfaction from being able to assure you that the whole course of this Government has been characterized by a spirit so conciliatory and forbearing as to make it impossible that our justice and moderation should be questioned, whatever may be the consequences of a longer perseverance on the part of the French Government in her omission to satisfy the conceded claims of our citizens.

The history of the accumulated and unprovoked aggressions upon our commerce committed by authority of the existing Governments of France between the years 1800 and 1817 has been rendered too painfully familiar to Americans to make its repetition either necessary or desirable. It will be sufficient here to remark that there has for many years been scarcely a single administration of the French Government by whom the justice and legality of the claims of our citizens to indemnity were not to a very considerable extent admitted, and yet near a quarter of a century has been wasted in ineffectual negotiations to secure it.

Deeply sensible of the injurious effects resulting from this state of things upon the interests and character of both nations, I regarded it as among my first duties to cause one more effort to be made to satisfy France that a just and liberal settlement of our claims was as well due to her own honor as to their incontestable validity. The negotiation for this purpose was commenced with the late Government of France, and was prosecuted with such success as to leave no reasonable ground to doubt that a settlement of a character quite as liberal as that which was subsequently made would have been effected had not the revolution by which the negotiation was cut off taken place. The discussions were resumed with the present Government, and the result showed that we were not wrong in supposing that an event by which the two Governments were made to approach each other so much nearer in their political principles, and by which the motives for the most liberal and friendly intercourse were so greatly multiplied, could exercise no other than a salutary influence upon the negotiation. After the most deliberate and thorough examination of the whole subject a treaty between the two Governments was concluded and signed at Paris on the 4th of July, 1831, by which it was stipulated that "the French Government, in order to liberate itself from all the reclamations preferred against it by citizens of the United States for unlawful seizures, captures, sequestrations, confiscations, or destruction of their vessels, cargoes, or other property, engages to pay a sum of 25,000,000 francs to the United States, who shall distribute it among those entitled in the manner and according to the rules it shall determine;" and it was also stipulated on the part of the French Government that this 25,000,000 francs should "be paid at Paris, in six annual installments of 4,166,666 francs and 66 centimes each, into the hands of such person or persons as shall be authorized by the Government of the United States to receive it," the first installment to be paid "at the expiration of one year next following the exchange of the ratifications of this convention and the others at successive intervals of a year, one after another, till the whole shall be paid. To the amount of each of the said installments shall be added interest at 4 per cent thereupon, as upon the other installments then remaining unpaid, the said interest to be computed from the day of the exchange of the present convention."

It was also stipulated on the part of the United States, for the purpose of being completely liberated from all the reclamations presented by

France on behalf of its citizens, that the sum of 1,500,000 francs should be paid to the Government of France in six annual installments, to be deducted out of the annual sums which France had agreed to pay, interest thereupon being in like manner computed from the day of the exchange of the ratifications. In addition to this stipulation, important advantages were secured to France by the following article, viz:

> The wines of France, from and after the exchange of the ratifications of the present convention, shall be admitted to consumption in the States of the Union at duties which shall not exceed the following rates by the gallon (such as it is used at present for wines in the United States), to wit: 6 cents for red wines in casks; 10 cents for white wines in casks, and 22 cents for wines of all sorts in bottles. The proportions existing between the duties on French wines thus reduced and the general rates of the tariff which went into operation the 1st January, 1829, shall be maintained in case the Government of the United States should think proper to diminish those general rates in a new tariff.
>
> In consideration of this stipulation, which shall be binding on the United States for ten years, the French Government abandons the reclamations which it had formed in relation to the eighth article of the treaty of cession of Louisiana. It engages, moreover, to establish on the *long-staple* cottons of the United States which after the exchange of the ratifications of the present convention shall be brought directly thence to France by the vessels of the United States or by French vessels the same duties as on *short-staple* cottons.

This treaty was duly ratified in the manner prescribed by the constitutions of both countries, and the ratification was exchanged at the city of Washington on the 2d of February, 1832. On account of its commercial stipulations it was in five days thereafter laid before the Congress of the United States, which proceeded to enact such laws favorable to the commerce of France as were necessary to carry it into full execution, and France has from that period to the present been in the unrestricted enjoyment of the valuable privileges that were thus secured to her. The faith of the French nation having been thus solemnly pledged through its constitutional organ for the liquidation and ultimate payment of the long-deferred claims of our citizens, as also for the adjustment of other points of great and reciprocal benefits to both countries, and the United States having, with a fidelity and promptitude by which their conduct will, I trust, be always characterized, done everything that was necessary to carry the treaty into full and fair effect on their part, counted with the most perfect confidence on equal fidelity and promptitude on the part of the French Government. In this reasonable expectation we have been, I regret to inform you, wholly disappointed. No legislative provision has been made by France for the execution of the treaty, either as it respects the indemnity to be paid or the commercial benefits to be secured to the United States, and the relations between the United States and that power in consequence thereof are placed in a situation threatening to interrupt the good understanding which has so long and so happily existed between the two nations.

Not only has the French Government been thus wanting in the performance of the stipulations it has so solemnly entered into with the United States, but its omissions have been marked by circumstances which would seem to leave us without satisfactory evidences that such performance will certainly take place at a future period. Advice of the exchange of ratifications reached Paris prior to the 8th April, 1832. The French Chambers were then sitting, and continued in session until the 21st of that month, and although one installment of the indemnity was payable on the 2d of February, 1833, one year after the exchange of ratifications, no application was made to the Chambers for the required appropriation, and in consequence of no appropriation having then been made the draft of the United States Government for that installment was dishonored by the minister of finance, and the United States thereby involved in much controversy. The next session of the Chambers commenced on the 19th November, 1832, and continued until the 25th April, 1833. Notwithstanding the omission to pay the first installment had been made the subject of earnest remonstrance on our part, the treaty with the United States and a bill making the necessary appropriations to execute it were not laid before the Chamber of Deputies until the 6th of April, nearly five months after its meeting, and only nineteen days before the close of the session. The bill was read and referred to a committee, but there was no further action upon it. The next session of the Chambers commenced on the 26th of April, 1833, and continued until the 26th of June following. A new bill was introduced on the 11th of June, but nothing important was done in relation to it during the session. In the month of April, 1834, nearly three years after the signature of the treaty, the final action of the French Chambers upon the bill to carry the treaty into effect was obtained, and resulted in a refusal of the necessary appropriations. The avowed grounds upon which the bill was rejected are to be found in the published debates of that body, and no observations of mine can be necessary to satisfy Congress of their utter insufficiency. Although the gross amount of the claims of our citizens is probably greater than will be ultimately allowed by the commissioners, sufficient is, nevertheless, shown to render it absolutely certain that the indemnity falls far short of the actual amount of our just claims, independently of the question of damages and interest for the detention. That the settlement involved a sacrifice in this respect was well known at the time—a sacrifice which was cheerfully acquiesced in by the different branches of the Federal Government, whose action upon the treaty was required from a sincere desire to avoid further collision upon this old and disturbing subject and in the confident expectation that the general relations between the two countries would be improved thereby.

The refusal to vote the appropriation, the news of which was received from our minister in Paris about the 15th day of May last, might have been considered the final determination of the French Government not to execute the stipulations of the treaty, and would have justified an immediate communication of the facts to Congress, with a recommendation of such ultimate measures as the interest and honor of the United States might seem to require. But with the news of the refusal of the Chambers to make the appropriation were conveyed the regrets of the King and a declaration that a national vessel should be forthwith sent out with instructions to the French minister to give the most ample explanations of the past and the strongest assurances for the future. After a long passage the promised dispatch vessel arrived. The pledges given by the French minister upon receipt of his instructions were that as soon after the election of the new members as the charter would permit the legislative Chambers of France should be called together and the proposition for an appropriation laid before them; that all the constitutional powers of the King and his cabinet should be exerted to accomplish the object, and that the result should be made known early enough to be communicated to Congress at the commencement of the present session. Relying upon these pledges, and not doubting that the acknowledged justice of our claims, the promised exertions of the King and his cabinet, and, above all, that sacred regard for the national faith and honor for which the French character has been so distinguished would secure an early execution of the treaty in all its parts, I did not deem it necessary to call the attention of Congress to the subject at the last session.

I regret to say that the pledges made through the minister of France have not been redeemed. The new Chambers met on the 31st July last, and although the subject of fulfilling treaties was alluded to in the speech from the throne, no attempt was made by the King or his cabinet to procure an appropriation to carry it into execution. The reasons given for this omission, although they might be considered sufficient in an ordinary case, are not consistent with the expectations founded upon the assurances given here, for there is no constitutional obstacle to entering into legislative business at the first meeting of the Chambers. This point, however, might have been overlooked had not the Chambers, instead of being called to meet at so early a day that the result of their deliberations might be communicated to me before the meeting of Congress, been prorogued to the 29th of the present month—a period so late that their decision can scarcely be made known to the present Congress prior to its dissolution. To avoid this delay our minister in Paris, in virtue of the assurance given by the French minister in the United States, strongly urged the convocation of the Chambers at an earlier day, but without success. It is proper to remark, however, that this refusal has been accompanied with the most positive assurances on the part of the executive government of France of their intention to press the appropriation at the ensuing session of the Chambers.

The executive branch of this Government has, as matters stand, exhausted all the authority upon the subject with which it is invested and which it had any reason to believe could be beneficially employed.

The idea of acquiescing in the refusal to execute the treaty will not, I am confident, be for a moment entertained by any branch of this Government, and further negotiation upon the subject is equally out of the question.

If it shall be the pleasure of Congress to await the further action of the French Chambers, no further consideration of the subject will at this session probably be required at your hands. But if from the original delay in asking for an appropriation, from the refusal of the Chambers to grant it when asked, from the omission to bring the subject before the Chambers at their last session, from the fact that, including that session, there have been five different occasions when the appropriation might have been made, and from the delay in convoking the Chambers until some weeks after the meeting of Congress, when it was well known that a communication of the whole subject to Congress at the last session was prevented by assurances that it should be disposed of before its present meeting, you should feel yourselves constrained to doubt whether it be the intention of the French Government, in all its branches, to carry the treaty into effect, and think that such measures as the occasion may be deemed to call for should be now adopted, the important question arises what those measures shall be.

Our institutions are essentially pacific. Peace and friendly intercourse with all nations are as much the desire of our Government as they are the interest of our people. But these objects are not to be permanently secured by surrendering the rights of our citizens or permitting solemn treaties for their indemnity, in cases of flagrant wrong, to be abrogated or set aside.

It is undoubtedly in the power of Congress seriously to affect the agricultural and manufacturing interests of France by the passage of laws relating to her trade with the United States. Her products, manufactures, and tonnage may be subjected to heavy duties in our ports, or all commercial intercourse with her may be suspended. But there are powerful and to my mind conclusive objections to this mode of proceeding. We can not embarrass or cut off the trade of France without at the same time in some degree embarrassing or cutting off our own trade. The injury of such a warfare must fall, though unequally, upon our own citizens, and could not but impair the means of the Government and weaken that united sentiment in support of the rights and honor of the nation which must now pervade every bosom. Nor is it impossible that such a course of legislation would introduce once more into our national councils those disturbing questions in relation to the tariff of duties which have been so recently put to rest. Besides, by every measure adopted by the Government of the United States with the view of injuring France the clear perception of right which will induce our own people and the rulers and people of all other nations, even of France herself, to pronounce our quarrel just will be obscured and the support rendered to us in a final resort to more decisive measures will be more limited and equivocal. There is but one point in the controversy, and upon that the whole civilized world must pronounce France to be in the wrong. We insist that she shall pay us a sum of money which she has acknowledged to be due, and of the justice of this demand there can be but one opinion among mankind. True policy would seem to dictate that the question at issue should be kept thus disencumbered and that not the slightest pretense should be given to France to persist in her refusal to make payment by any act on our part affecting the interests of her people. The question should be left, as it is now, in such an attitude that when France fulfills her treaty stipulations all controversy will be at an end.

It is my conviction that the United States ought to insist on a prompt execution of the treaty, and in case it be refused or longer delayed take redress into their own hands. After the delay on the part of France of a quarter of a century in acknowledging these claims by treaty, it is not to be tolerated that another quarter of a century is to be wasted in negotiating about the payment. The laws of nations provide a remedy for such occasions. It is a well-settled principle of the international code that where one nation owes another a liquidated debt which it refuses or neglects to pay the aggrieved party may seize on the property belonging to the other, its citizens or subjects, sufficient to pay the debt without giving just cause of war. This remedy has been repeatedly resorted to, and recently by France herself toward Portugal, under circumstances less unquestionable.

The time at which resort should be had to this or any other mode of redress is a point to be decided by Congress. If an appropriation shall not be made by the French Chambers at their next session, it may justly be concluded that the Government of France has finally determined to disregard its own solemn undertaking and refuse to pay an acknowledged debt. In that event every day's delay on our part will be a stain upon our national honor, as well as a denial of justice to our injured citizens. Prompt measures, when the refusal of France shall be complete, will not only be most honorable and just, but will have the best effect upon our national character.

Since France, in violation of the pledges given through her minister here, has delayed her final action so long that her decision will not probably be known in time to be communicated to this Congress, I recommend that a law be passed authorizing reprisals upon French property in case provision shall not be made for the payment of the debt at the approaching session of the French Chambers. Such a measure ought not to be considered by France as a menace. Her pride and power are too well known to expect anything from her fears and preclude the necessity of a declaration that nothing partaking of the character of intimidation is intended by us. She ought to look upon it as the evidence only of an inflexible determination on the part of the United States to insist on their rights. That Government, by doing only what it has itself acknowledged to be just, will be able to spare the United States the necessity of taking redress into their own hands and save the property of French citizens from that seizure and sequestration which American citizens so long endured without retaliation or redress. If she should continue to refuse that act of acknowledged justice and, in violation of the law of nations, make reprisals on our part the occasion of hostilities against the United States, she would but add violence to injustice, and could not fail to expose herself to the just censure of civilized nations and to the retributive judgments of Heaven.

Collision with France is the more to be regretted on account of the position she occupies in Europe in relation to liberal institutions, but in maintaining our national rights and honor all governments are alike to us. If by a collision with France in a case where she is clearly in the wrong the march of liberal principles shall be impeded, the responsibility for that result as well as every other will rest on her own head.

Having submitted these considerations, it belongs to Congress to decide whether after what has taken place it will still await the further action of the French Chambers or now adopt such provisional measures as it may deem necessary and best adapted to protect the rights and maintain the honor of the country. Whatever that decision may be, it will be faithfully enforced by the Executive as far as he is authorized so to do.

According to the estimate of the Treasury Department, the revenue accruing from all sources during the present year will amount to $20,624,717, which, with the balance remaining in the Treasury on the 1st of January last of $11,702,905, produces an aggregate of $32,327,623. The total expenditure during the year for all objects, including the public debt, is estimated at $25,591,390, which will leave a balance in the Treasury on the 1st of January, 1835, of $6,736,232. In this balance, however, will be included about $1,150,000 of what was heretofore reported by the Department as not effective.

Of former appropriations it is estimated that there will remain unexpended at the close of the year $8,002,925, and that of this sum there will not be required more than $5,141,964 to accomplish the objects of all the current appropriations. Thus it appears that after satisfying all those appropriations and after discharging the last item of our public debt, which will be done on the 1st of January next, there will remain unexpended in the Treasury an effective balance of about $440,000. That such should be the aspect of our finances is highly flattering to the industry and enterprise of our population and auspicious of the wealth and prosperity which await the future cultivation of their growing resources. It is not deemed prudent, however, to recommend any change for the present in our impost rates, the effect of the gradual reduction now in progress in many of them not being sufficiently tested to guide us in determining the precise amount of revenue which they will produce.

Free from public debt, at peace with all the world, and with no complicated interests to consult in our intercourse with foreign powers, the present may be hailed as the epoch in our history the most favorable for the settlement of those principles in our domestic policy which shall be best calculated to give stability to our Republic and secure the blessings of freedom to our citizens.

Among these principles, from our past experience, it can not be doubted that simplicity in the character of the Federal Government and a rigid economy in its administration should be regarded as fundamental and sacred. All must be sensible that the existence of the public debt, by rendering taxation necessary for its extinguishment, has increased the difficulties which are inseparable from every exercise of the taxing power, and that it was in this respect a remote agent in producing those disturbing questions which grew out of the discussions relating to the tariff. If such has been the tendency of a debt incurred in the acquisition and maintenance of our national rights and liberties, the obligations of which all portions of the Union cheerfully acknowledged, it must be obvious that whatever is calculated to increase the burdens of Government without necessity must be fatal to all our hopes of preserving its true character. While we are felicitating ourselves, therefore, upon the extinguishment of the national debt and the prosperous state of our finances, let us not be tempted to depart from those sound maxims of public policy which enjoin a just adaptation of the revenue to the expenditures that are consistent with a rigid economy and an entire abstinence from all topics of legislation that are not clearly within the constitutional powers of the Government and suggested by the wants of the country. Properly regarded under such a policy, every diminution of the public burdens arising from taxation gives to individual enterprise increased power and furnishes to all the members of our happy Confederacy new motives for patriotic affection and support. But above all, its most important effect will be found in its influence upon the character of the Government by confining its action to those objects which will be sure to secure to it the attachment and support of our fellow-citizens.

Circumstances make it my duty to call the attention of Congress to the Bank of the United States. Created for the convenience of the Government, that institution has become the scourge of the people. Its interference to postpone the payment of a portion of the national debt that it might retain the public money appropriated for that purpose to strengthen it in a political contest, the extraordinary extension and contraction of its accommodations to the community, its corrupt and partisan loans, its exclusion of the public directors from a knowledge of its most important proceedings, the unlimited authority conferred on the president to expend its funds in hiring writers and procuring the execution of printing, and the use made of that authority, the retention of the pension money and books after the selection of new agents, the groundless claim to heavy damages in consequence of the protest of the bill drawn on the French Government, have through various channels been laid before Congress. Immediately after the close of the last session the bank, through its president, announced its ability and readiness to abandon the system of unparalleled curtailment and the interruption of domestic exchanges which it had practiced upon from the 1st of August, 1833, to the 30th of June, 1834, and to extend its accommodations to the community. The grounds assumed in this annunciation amounted to an acknowledgment that the curtailment, in the extent to which it had been carried, was not necessary to the safety of the bank, and had been persisted in merely to induce Congress to grant the prayer of the bank in its memorial relative to the removal of the deposits and to give it a new charter. They were substantially a confession that all the real distresses which individuals and the country had endured for the preceding six or eight months had been needlessly produced by it, with the view of affecting through the sufferings of the people the legislative action of Congress. It is a subject of congratulation that Congress and the country had the virtue and firmness to bear the infliction, that the energies of our people soon found relief from this wanton tyranny in vast importations of the precious metals from almost every part of the world, and that at the close of this tremendous effort to control our Government the bank found itself powerless and no longer able to loan out its surplus means. The community had learned to manage its affairs without its assistance, and trade had already found new auxiliaries, so that on the 1st of October last the extraordinary spectacle was presented of a national bank more than one-half of whose capital was either lying unproductive in its vaults or in the hands of foreign bankers.

To the needless distresses brought on the country during the last session of Congress has since been added the open seizure of the dividends on the public stock to the amount of $170,041, under pretense of paying damages, cost, and interest upon the protested French bill. This sum constituted a portion of the estimated revenues for the year 1834, upon which the appropriations made by Congress were based. It would as soon have been expected that our collectors would seize on the customs or the receivers of our land offices on the moneys arising from the sale of public lands under pretenses of claims against the United States as that the bank would have retained the dividends. Indeed, if the principle be established that anyone who chooses to set up a claim against the United States may without authority of law seize on the public property or money wherever he can find it to pay such claim, there will remain no assurance that our revenue will reach the Treasury or that it will be applied after the appropriation to the purposes designated in the law. The paymasters of our Army and the pursers of our Navy may under like pretenses apply to their own use moneys appropriated to set in motion the public force, and in time of war leave the country without defense. This measure resorted to by the bank is disorganizing and revolutionary, and if generally resorted to by private citizens in like cases would fill the land with anarchy and violence.

It is a constitutional provision "that no money shall be drawn from the Treasury but in consequence of appropriations made by law." The palpable object of this provision is to prevent the expenditure of the public money for any purpose whatsoever which shall not have been first approved by the representatives of the people and the States in Congress assembled. It vests the power of declaring for what purposes the public money shall be expended in the legislative department of the Government, to the exclusion of the executive and judicial, and it is not within the constitutional authority of either of those departments to pay it away without law or to sanction its payment. According to this plain constitutional provision, the claim of the bank can never be paid without an appropriation by act of Congress. But the bank has never asked for an appropriation. It attempts to defeat the provision of the Constitution and obtain payment without an act of Congress. Instead of awaiting an appropriation passed by both Houses and approved by the President, it makes an appropriation for itself and invites an appeal to the judiciary to sanction it. That the money had not technically been paid into the Treasury does not affect the principle intended to be established by the Constitution. The Executive and the judiciary have as little right to appropriate and expend the public money without authority of law before it is placed to the credit of the Treasury as to take it from the Treasury. In the annual report of the Secretary of the Treasury, and in his correspondence with the president of the bank, and the opinions of the Attorney-General accompanying it, you will find a further examination of the claims of the bank and the course it has pursued.

It seems due to the safety of the public funds remaining in that bank and to the honor of the American people that measures be taken to separate the Government entirely from an institution so mischievous to the public prosperity and so regardless of the Constitution and laws. By transferring the public deposits, by appointing other pension agents as far as it had the power, by ordering the discontinuance of the receipt of bank checks in the payment of the public dues after the 1st day of January, the Executive has exerted all its lawful authority to sever the connection between the Government and this faithless corporation.

The high-handed career of this institution imposes upon the constitutional functionaries of this Government duties of the gravest and most imperative character—duties which they can not avoid and from which I trust there will be no inclination on the part of any of them to shrink. My own sense of them is most clear, as is also my readiness to discharge those which may rightfully fall on me. To continue any business relations with the Bank of the United States that may be avoided without a violation of the national faith after that institution has set at open defiance the conceded right of the Government to examine its affairs, after it has done all in its power to deride the public authority in other respects and to bring it into disrepute at home and abroad, after it has attempted to defeat the clearly expressed will of the people by turning against them the immense power intrusted to its hands and by involving a country otherwise peaceful, flourishing, and happy, in dissension, embarrassment, and distress, would make the nation itself a party to the degradation so sedulously prepared for its public agents and do much to destroy the confidence of mankind in popular governments and to bring into contempt their authority and efficiency. In guarding against an evil of such magnitude considerations of temporary convenience should be thrown out of the question, and we should be influenced by such motives only as look to the honor and preservation of the republican system. Deeply and solemnly impressed with the justice of these views, I feel it to be my duty to recommend to you that a law be passed authorizing the sale of the public stock; that the provision of the charter requiring the receipt of notes of the bank in payment of public dues shall, in accordance with the power reserved to Congress in the fourteenth section of the charter, be suspended until the bank pays to the Treasury the dividends withheld, and that all laws connecting the Government or its officers with the bank, directly or indirectly, be repealed, and that the institution be left hereafter to its own resources and means.

Events have satisfied my mind, and I think the minds of the American people, that the mischiefs and dangers which flow from a national bank far overbalance all its advantages. The bold effort the present bank has made to control the Government, the distresses it has wantonly produced, the violence of which it has been the occasion in one of our cities famed for its observance of law and order, are but premonitions of the fate which awaits the American people should they be deluded into a perpetuation of this institution or the establishment of another like it. It is fervently hoped that thus admonished those who have heretofore favored the establishment of a substitute for the present bank will be induced to abandon it, as it is evidently better to incur any inconvenience that may be reasonably expected than to concentrate the whole moneyed power of the Republic in any form whatsoever or under any restrictions.

Happily it is already illustrated that the agency of such an institution is not necessary to the fiscal operations of the Government. The State banks are found fully adequate to the performance of all services which were required of the Bank of the United States, quite as promptly and with the same cheapness. They have maintained themselves and discharged all these duties while the Bank of the United States was still powerful and in the field as an open enemy, and it is not possible to conceive that they will find greater difficulties in their operations when that enemy shall cease to exist.

The attention of Congress is earnestly invited to the regulation of the deposits in the State banks by law. Although the power now exercised by the executive department in this behalf is only such as was uniformly exerted through every Administration from the origin of the Government up to the establishment of the present bank, yet it is one which is susceptible of regulation by law, and therefore ought so to be regulated. The power of Congress to direct in what places the Treasurer shall keep the moneys in the Treasury and to impose restrictions upon the Executive authority in relation to their custody and removal is unlimited, and its exercise will rather be courted than discouraged by those public officers and agents on whom rests the responsibility for their safety. It is desirable that as little power as possible should be left to the President or the Secretary of the Treasury over those institutions, which, being thus freed from Executive influence, and without a common head to direct their operations, would have neither the temptation nor the ability to interfere in the political conflicts of the country. Not deriving their charters from the national authorities, they would never have those inducements to meddle in general elections which have led the Bank of the United States to agitate and convulse the country for upward of two years.

The progress of our gold coinage is creditable to the officers of the Mint, and promises in a short period to furnish the country with a sound and portable currency, which will much diminish the inconvenience to travelers of the want of a general paper currency should the State banks be incapable of furnishing it. Those institutions have already shown themselves competent to purchase and furnish domestic exchange for the convenience of trade at reasonable rates, and not a doubt is entertained that in a short period all the wants of the country in bank accommodations and exchange will be supplied as promptly and as cheaply as they have heretofore been by the Bank of the United States. If the several States shall be induced gradually to reform their banking systems and prohibit the issue of all small notes, we shall in a few years have a currency as sound and as little liable to fluctuations as any other commercial country.

The report of the Secretary of War, together with the accompanying documents from the several bureaus of that Department, will exhibit the situation of the various objects committed to its administration.

No event has occurred since your last session rendering necessary any movements of the Army, with the exception of the expedition of the regiment of dragoons into the territory of the wandering and predatory tribes inhabiting the western frontier and living adjacent to the Mexican boundary. These tribes have been heretofore known to us principally by their attacks upon our own citizens and upon other Indians entitled to the protection of the United States. It became necessary for the peace of the frontiers to check these habitual inroads, and I am happy to inform you that the object has been effected without the commission of any act of hostility. Colonel Dodge and the troops under his command have acted with equal firmness and humanity, and an arrangement has been made with those Indians which it is hoped will assure their permanent pacific relations with the United States and the other tribes of Indians upon that border. It is to be regretted that the prevalence of sickness in that quarter has deprived the country of a number of valuable lives, and particularly that General Leavenworth, an officer well known, and esteemed for his gallant services in the late war and for his subsequent good conduct, has fallen a victim to his zeal and exertions in the discharge of his duty.

The Army is in a high state of discipline. Its moral condition, so far as that is known here, is good, and the various branches of the public service are carefully attended to. It is amply sufficient under its present organization for providing the necessary garrisons for the seaboard and for the defense of the internal frontier, and also for preserving the elements of military knowledge and for keeping pace with those improvements which modern experience is continually making. And these objects appear to me to embrace all the legitimate purposes for which a permanent military force should be maintained in our country. The lessons of history teach us its danger and the tendency which exists to an increase. This can be best met and averted by a just caution on the part of the public itself, and of those who represent them in Congress.

From the duties which devolve on the Engineer Department and upon the topographical engineers, a different organization seems to be demanded by the public interest, and I recommend the subject to your consideration.

No important change has during this season taken place in the condition of the Indians. Arrangements are in progress for the removal of the Creeks, and will soon be for the removal of the Seminoles. I regret that the Cherokees east of the Mississippi have not yet determined as a community to remove. How long the personal causes which have heretofore retarded that ultimately inevitable measure will continue to operate I am unable to conjecture. It is certain, however, that delay will bring with it accumulated evils which will render their condition more and more unpleasant. The experience of every year adds to the conviction that emigration, and that alone, can preserve from destruction the remnant of the tribes yet living amongst us. The facility with which the necessaries of life are procured and the treaty stipulations providing aid for the emigrant Indians in their agricultural pursuits and in the important concern of education, and their removal from those causes which have heretofore depressed all and destroyed many of the tribes, can not fail to stimulate their exertions and to reward their industry.

The two laws passed at the last session of Congress on the subject of Indian affairs have been carried into effect, and detailed instructions for their administration have been given. It will be seen by the estimates for the present session that a great reduction will take place in the expenditures of the Department in consequence of these laws, and there is reason to believe that their operation will be salutary and that the colonization of the Indians on the western frontier, together with a judicious system of administration, will still further reduce the expenses of this branch of the public service and at the same time promote its usefulness and efficiency.

Circumstances have been recently developed showing the existence of extensive frauds under the various laws granting pensions and gratuities for Revolutionary services. It is impossible to estimate the amount which may have been thus fraudulently obtained from the National Treasury. I am satisfied, however, it has been such as to justify a reexamination of the system and the adoption of the necessary checks in its administration. All will agree that the services and sufferings of the remnant of our Revolutionary band should be fully compensated; but while this is done, every proper precaution should be taken to prevent the admission of fabricated and fraudulent claims. In the present mode of proceeding the attestations and certificates of the judicial officers of the various States form a considerable portion of the checks which are interposed against the commission of frauds. These, however, have been and may be fabricated, and in such a way as to elude detection at the examining offices. And independently of this practical difficulty, it is ascertained that these documents are often loosely granted; sometimes even blank certificates have been issued; sometimes prepared papers have been signed without inquiry, and in one instance, at least, the seal of the court has been within reach of a person most interested in its improper application. It is obvious that under such circumstances no severity of administration can check the abuse of the law. And information has from time to time been communicated to the Pension Office questioning or denying the right of persons placed upon the pension list to the bounty of the country. Such cautions are always attended to and examined, but a far more general investigation is called for, and I therefore recommend, in conformity with the suggestion of the Secretary of War, that an actual inspection should be made in each State into the circumstances and claims of every person now drawing a pension. The honest veteran has nothing to fear from such a scrutiny, while the fraudulent claimant will be detected and the public Treasury relieved to an amount, I have reason to believe, far greater than has heretofore been suspected. The details of such a plan could be so regulated as to interpose the necessary checks without any burdensome operation upon the pensioners. The object should be twofold:

1. To look into the original justice of the claims, so far as this can be done under a proper system of regulations, by an examination of the

claimants themselves and by inquiring in the vicinity of their residence into their history and into the opinion entertained of their Revolutionary services.

2. To ascertain in all cases whether the original claimant is living and this by actual personal inspection.

This measure will, if adopted, be productive, I think, of the desired results, and I therefore recommend it to your consideration, with the further suggestion that all payments should be suspended till the necessary reports are received.

It will be seen by a tabular statement annexed to the documents transmitted to Congress that the appropriations for objects connected with the War Department, made at the last session, for the service of the year 1834, excluding the permanent appropriation for the payment of military gratuities under the act of June 7, 1832, the appropriation of $200,000 for arming and equipping the militia, and the appropriation of $10,000 for the civilization of the Indians, which are not annually renewed, amounted to the sum of $9,003,261, and that the estimates of appropriations necessary for the same branches of service for the year 1835 amount to the sum of $5,778,964, making a difference in the appropriations of the current year over the estimates of the appropriations for the next of $3,224,297.

The principal causes which have operated at this time to produce this great difference are shown in the reports and documents and in the detailed estimates. Some of these causes are accidental and temporary while others are permanent, and, aided by a just course of administration, may continue to operate beneficially upon the public expenditures.

A just economy, expending where the public service requires and withholding where it does not, is among the indispensable duties of the Government.

I refer you to the accompanying report of the Secretary of the Navy and to the documents with it for a full view of the operations of that important branch of our service during the present year. It will be seen that the wisdom and liberality with which Congress has provided for the gradual increase of our navy material have been seconded by a corresponding zeal and fidelity on the part of those to whom has been confided the execution of the laws on the subject, and that but a short period would be now required to put in commission a force large enough for any exigency into which the country may be thrown.

When we reflect upon our position in relation to other nations, it must be apparent that in the event of conflicts with them we must look chiefly to our Navy for the protection of our national rights. The wide seas which separate us from other Governments must of necessity be the theater on which an enemy will aim to assail us, and unless we are prepared to meet him on this element we can not be said to possess the power requisite to repel or prevent aggressions. We can not, therefore, watch with too much attention this arm of our defense, or cherish with too much care the means by which it can possess the necessary efficiency and extension. To this end our policy has been heretofore wisely directed to the constant employment of a force sufficient to guard our commerce, and to the rapid accumulation of the materials which are necessary to repair our vessels and construct with ease such new ones as may be required in a state of war.

In accordance with this policy, I recommend to your consideration the erection of the additional dry dock described by the Secretary of the Navy, and also the construction of the steam batteries to which he has referred, for the purpose of testing their efficacy as auxiliaries to the system of defense now in use.

The report of the Postmaster-General herewith submitted exhibits the condition and prospects of that Department. From that document it appears that there was a deficit in the funds of the Department at the commencement of the present year beyond its available means of $315,599.98, which on the 1st July last had been reduced to $268,092.74. It appears also that the revenues for the coming year will exceed the expenditures about $270,000, which, with the excess of revenue which will result from the operations of the current half year, may be expected, independently of any increase in the gross amount of postages, to supply the entire deficit before the end of 1835. But as this calculation is based on the gross amount of postages which had accrued within the period embraced by the times of striking the balances, it is obvious that without a progressive increase in the amount of postages the existing retrenchments must be persevered in through the year 1836 that the Department may accumulate a surplus fund sufficient to place it in a condition of perfect ease.

It will be observed that the revenues of the Post-Office Department, though they have increased, and their amount is above that of any former year, have yet fallen short of the estimates more than $100,000. This is attributed in a great degree to the increase of free letters growing out of the extension and abuse of the franking privilege. There has been a gradual increase in the number of executive offices to which it has been granted, and by an act passed in March, 1833, it was extended to members of Congress throughout the whole year. It is believed that a revision of the laws relative to the franking privilege, with some enactments to enforce more rigidly the restrictions under which it is granted, would operate beneficially to the country, by enabling the Department at an earlier period to restore the mail facilities that have been withdrawn, and to extend them more widely, as the growing settlements of the country may require.

To a measure so important to the Government and so just to our constituents, who ask no exclusive privileges for themselves and are not willing to concede them to others, I earnestly recommend the serious attention of Congress.

The importance of the Post-Office Department and the magnitude to which it has grown, both in its revenues and in its operations, seem to demand its reorganization by law. The whole of its receipts and disbursements have hitherto been left entirely to Executive control and individual discretion. The principle is as sound in relation to this as to any other Department of the Government, that as little discretion should be confided to the executive officer who controls it as is compatible with its efficiency. It is therefore earnestly recommended that it be organized with an auditor and treasurer of its own, appointed by the President and Senate, who shall be branches of the Treasury Department.

Your attention is again respectfully invited to the defect which exists in the judicial system of the United States. Nothing can be more desirable than the uniform operation of the Federal judiciary throughout the several States, all of which, standing on the same footing as members of the Union, have equal rights to the advantages and benefits resulting from its laws. This object is not attained by the judicial acts now in force, because they leave one-fourth of the States without circuit courts.

It is undoubtedly the duty of Congress to place all the States on the same footing in this respect, either by the creation of an additional number of associate judges or by an enlargement of the circuits assigned to those already appointed so as to include the new States. Whatever may be the difficulty in a proper organization of the judicial system so as to secure its efficiency and uniformity in all parts of the Union and at the same time to avoid such an increase of judges as would encumber the supreme appellate tribunal, it should not be allowed to weigh against the great injustice which the present operation of the system produces.

I trust that I may be also pardoned for renewing the recommendation I have so often submitted to your attention in regard to the mode of electing the President and Vice-President of the United States. All the reflection I have been able to bestow upon the subject increases my conviction that the best interests of the country will be promoted by the adoption of some plan which will secure in all contingencies that important right of sovereignty to the direct control of the people. Could this be attained, and the terms of those officers be limited to a single period of either four or six years, I think our liberties would possess an additional safeguard.

At your last session I called the attention of Congress to the destruction of the public building occupied by the Treasury Department. As the public interest requires that another building should be erected with as little delay as possible, it is hoped that the means will be seasonably provided and that they will be ample enough to authorize such an enlargement and improvement in the plan of the building as will more effectually accommodate the public officers and secure the public documents deposited in it from the casualties of fire.

I have not been able to satisfy myself that the bill entitled "An act to improve the navigation of the Wabash River," which was sent to me at the close of your last session, ought to pass, and I have therefore withheld from it my approval and now return it to the Senate, the body in which it originated.

There can be no question connected with the administration of public affairs more important or more difficult to be satisfactorily dealt with than that which relates to the rightful authority and proper action of the Federal Government upon the subject of internal improvements. To inherent embarrassments have been added others resulting from the course of our legislation concerning it.

I have heretofore communicated freely with Congress upon this subject, and in adverting to it again I can not refrain from expressing my increased conviction of its extreme importance as well in regard to its bearing upon the maintenance of the Constitution and the prudent management of the public revenue as on account of its disturbing effect upon the harmony of the Union.

We are in no danger from violations of the Constitution by which encroachments are made upon the personal rights of the citizen. The sentence of condemnation long since pronounced by the American people upon acts of that character will, I doubt not, continue to prove as salutary in its effects as it is irreversible in its nature. But against the dangers of unconstitutional acts which, instead of menacing the vengeance of offended authority, proffer local advantages and bring in their train the patronage of the Government, we are, I fear, not so safe. To suppose that because our Government has been instituted for the benefit of the people it must therefore have the power to do whatever may seem to conduce to the public good is an error into which even honest minds are too apt to fall. In yielding themselves to this fallacy they overlook the great considerations in which the Federal Constitution was founded. They forget that in consequence of the conceded diversities in the interest and condition of the different States it was foreseen at the period of its adoption that although a particular measure of the Government might be beneficial and proper in one State it might be the reverse in another; that it was for this reason the States would not consent to make a grant to the Federal Government of the general and usual powers of government, but of such only as were specifically enumerated, and the probable effects of which they could, as they thought, safely anticipate; and they forget also the paramount obligation upon all to abide by the compact then so solemnly and, as it was hoped, so firmly established. In addition to the dangers to the Constitution springing from the sources I have stated, there has been one which was perhaps greater than all. I allude to the materials which this subject has afforded for sinister appeals to selfish feelings, and the opinion heretofore so extensively entertained of its adaptation to the purposes of personal ambition. With such stimulants it is not surprising that the acts and pretensions of the Federal Government in this behalf should sometimes have been carried to an alarming extent. The questions which have arisen upon this subject have related—

First. To the power of making internal improvements within the limits of a State, with the right of territorial jurisdiction, sufficient at least for their preservation and use.

Second. To the right of appropriating money in aid of such works when carried on by a State or by a company in virtue of State authority, surrendering the claim of jurisdiction; and

Third. To the propriety of appropriation for improvements of a particular class, viz, for light-houses, beacons, buoys, public piers, and for the removal of sand bars, sawyers, and other temporary and partial impediments in our navigable rivers and harbors.

The claims of power for the General Government upon each of these points certainly present matter of the deepest interest. The first is, however, of much the greatest importance, inasmuch as, in addition to the dangers of unequal and improvident expenditures of public moneys common to all, there is superadded to that the conflicting jurisdictions of the respective governments. Federal jurisdiction, at least to the extent I have stated, has been justly regarded by its advocates as necessarily appurtenant to the power in question, if that exists by the Constitution. That the most injurious conflicts would unavoidably arise between the respective jurisdictions of the State and Federal Governments in the absence of a constitutional provision marking out their respective boundaries can not be doubted. The local advantages to be obtained would induce the States to overlook in the beginning the dangers and difficulties to which they might ultimately be exposed. The powers exercised by the Federal Government would soon be regarded with jealousy by the State authorities, and originating as they must from implication or assumption, it would be impossible to affix to them certain and safe limits. Opportunities and temptations to the assumption of power incompatible with State sovereignty would be increased and those barriers which resist the tendency of our system toward consolidation greatly weakened. The officers and agents of the General Government might not always have the discretion to abstain from intermeddling with State concerns, and if they did they would not always escape the suspicion of having done so. Collisions and consequent irritations would spring up; that harmony which should ever exist between the General Government and each member of the Confederacy would be frequently interrupted; a spirit of contention would be engendered and the dangers of disunion greatly multiplied.

Yet we all know that notwithstanding these grave objections this dangerous doctrine was at one time apparently proceeding to its final establishment with fearful rapidity. The desire to embark the Federal

Government in works of internal improvement prevailed in the highest degree during the first session of the first Congress that I had the honor to meet in my present situation. When the bill authorizing a subscription on the part of the United States for stock in the Maysville and Lexington Turnpike Company passed the two Houses, there had been reported by the Committees of Internal Improvements bills containing appropriations for such objects, inclusive of those for the Cumberland road and for harbors and light-houses, to the amount of $106,000,000. In this amount was included authority to the Secretary of the Treasury to subscribe for the stock of different companies to a great extent, and the residue was principally for the direct construction of roads by this Government. In addition to these projects, which had been presented to the two Houses under the sanction and recommendation of their respective Committees on Internal Improvements, there were then still pending before the committees, and in memorials to Congress presented but not referred, different projects for works of a similar character, the expense of which can not be estimated with certainty, but must have exceeded $100,000,000.

Regarding the bill authorizing a subscription to the stock of the Maysville and Lexington Turnpike Company as the entering wedge of a system which, however weak at first, might soon become strong enough to rive the bands of the Union asunder, and believing that if its passage was acquiesced in by the Executive and the people there would no longer be any limitation upon the authority of the General Government in respect to the appropriation of money for such objects, I deemed it an imperative duty to withhold from it the Executive approval. Although from the obviously local character of that work I might well have contented myself with a refusal to approve the bill upon that ground, yet sensible of the vital importance of the subject, and anxious that my views and opinions in regard to the whole matter should be fully understood by Congress and by my constituents, I felt it my duty to go further. I therefore embraced that early occasion to apprise Congress that in my opinion the Constitution did not confer upon it the power to authorize the construction of ordinary roads and canals within the limits of a State and to say, respectfully, that no bill admitting such a power could receive my official sanction. I did so in the confident expectation that the speedy settlement of the public mind upon the whole subject would be greatly facilitated by the difference between the two Houses and myself, and that the harmonious action of the several departments of the Federal Government in regard to it would be ultimately secured.

So far, at least, as it regards this branch of the subject, my best hopes have been realized. Nearly four years have elapsed, and several sessions of Congress have intervened, and no attempt within my recollection has been made to induce Congress to exercise this power. The applications for the construction of roads and canals which were formerly multiplied upon your files are no longer presented, and we have good reason to infer that the current of public sentiment has become so decided against the pretension as effectually to discourage its reassertion. So thinking, I derive the greatest satisfaction from the conviction that thus much at least has been secured upon this important and embarrassing subject.

From attempts to appropriate the national funds to objects which are confessedly of a local character we can not, I trust, have anything further to apprehend. My views in regard to the expediency of making appropriations for works which are claimed to be of a national character and prosecuted under State authority—assuming that Congress have the right to do so—were stated in my annual message to Congress in 1830, and also in that containing my objections to the Maysville road bill.

So thoroughly convinced am I that no such appropriations ought to be made by Congress until a suitable constitutional provision is made upon the subject, and so essential do I regard the point to the highest interests of our country, that I could not consider myself as discharging my duty to my constituents in giving the Executive sanction to any bill containing such an appropriation. If the people of the United States desire that the public Treasury shall be resorted to for the means to prosecute such works, they will concur in an amendment of the Constitution prescribing a rule by which the national character of the works is to be tested, and by which the greatest practicable equality of benefits may be secured to each member of the Confederacy. The effects of such a regulation would be most salutary in preventing unprofitable expenditures, in securing our legislation from the pernicious consequences of a scramble for the favors of Government, and in repressing the spirit of discontent which must inevitably arise from an unequal distribution of treasures which belong alike to all.

There is another class of appropriations for what may be called, without impropriety, internal improvements, which have always been regarded as standing upon different grounds from those to which I have referred. I allude to such as have for their object the improvement of our harbors, the removal of partial and temporary obstructions in our navigable rivers, for the facility and security of our foreign commerce. The grounds upon which I distinguished appropriations of this character from others have already been stated to Congress. I will now only add that at the first session of Congress under the new Constitution it was provided by law that all expenses which should accrue from and after the 15th day of August, 1789, in the necessary support and maintenance and repairs of all light-houses, beacons, buoys, and public piers erected, placed, or sunk before the passage of the act within any bay, inlet, harbor, or port of the United States, for rendering the navigation thereof easy and safe, should be defrayed out of the Treasury of the United States, and, further, that it should be the duty of the Secretary of the Treasury to provide by contracts, with the approbation of the President, for rebuilding when necessary and keeping in good repair the light-houses, beacons, buoys, and public piers in the several States, and for furnishing them with supplies. Appropriations for similar objects have been continued from that time to the present without interruption or dispute. As a natural consequence of the increase and extension of our foreign commerce, ports of entry and delivery have been multiplied and established, not only upon our seaboard, but in the interior of the country upon our lakes and navigable rivers. The convenience and safety of this commerce have led to the gradual extension of these expenditures; to the erection of light-houses, the placing, planting, and sinking of buoys, beacons, and piers, and to the removal of partial and temporary obstructions in our navigable rivers and in the harbors upon our Great Lakes as well as on the seaboard. Although I have expressed to Congress my apprehension that these expenditures have sometimes been extravagant and disproportionate to the advantages to be derived from them, I have not felt it to be my duty to refuse my assent to bills containing them, and have contented myself to follow in this respect in the footsteps of all my predecessors. Sensible, however, from experience and observation of the great abuses to which the unrestricted exercise of this authority by Congress was exposed, I have prescribed a limitation for the government of my own conduct by which expenditures of this character are confined to places below the ports of entry or delivery established by law. I am very sensible that this restriction is not as satisfactory as could be desired, and that much embarrassment may be caused to the executive department in its execution by appropriations for remote and not well-understood objects. But as neither my own reflections nor the lights which I may properly derive from other sources have supplied me with a better, I shall continue to apply my best exertions to a faithful application of the rule upon which it is founded. I sincerely regret that I could not give my assent to the bill entitled "An act to improve the navigation of the Wabash River;" but I could not have done so without receding from the ground which I have, upon the fullest consideration, taken upon this subject, and of which Congress has been heretofore apprised, and without throwing the subject again open to abuses which no good citizen entertaining my opinions could desire.

I rely upon the intelligence and candor of my fellow-citizens, in whose liberal indulgence I have already so largely participated, for a correct appreciation of my motives in interposing as I have done on this and other occasions checks to a course of legislation which, without in the slightest degree calling in question the motives of others, I consider as sanctioning improper and unconstitutional expenditures of public treasure.

I am not hostile to internal improvements, and wish to see them extended to every part of the country. But I am fully persuaded, if they are not commenced in a proper manner, confined to proper objects, and conducted under an authority generally conceded to be rightful, that a successful prosecution of them can not be reasonably expected. The attempt will meet with resistance where it might otherwise receive support, and instead of strengthening the bonds of our Confederacy it will only multiply and aggravate the causes of disunion.

ANDREW JACKSON.

SPECIAL MESSAGES.

WASHINGTON, *December 4, 1834.*

To the Senate and House of Representatives:

I transmit to Congress a communication addressed to me by M. George Washington Lafayette, accompanying a copy of the Declaration of Independence engraved on copper, which his illustrious father bequeathed to Congress to be placed in their library as a last tribute of respect, patriotic love, and affection for his adopted country.

I have a mournful satisfaction in transmitting this precious bequest of that great and good man who through a long life, under many vicissitudes and in both hemispheres, sustained the principles of civil liberty asserted in that memorable Declaration, and who from his youth to the last moment of his life cherished for our beloved country the most generous attachment.

ANDREW JACKSON.

The bequest accompanies the message to the House of Representatives.

A. J.

PARIS, *June 15, 1834.*

SIR: A great misfortune has given me more than one solemn and important duty to fulfill, and the ardent desire of accomplishing with fidelity my father's last will emboldens me to claim the patronage of the President of the United States and his benevolent intervention when I am obliged respectfully and mournfully to address the Senate and Representatives of a whole nation.

Our forever beloved parent possessed a copper plate on which was inscribed the first engraved copy of the American Declaration of Independence, and his last intention in departing this world was that the precious plate should be presented to the Congress of the United States, to be deposited in their library as a last tribute of respect, patriotic love, and affection for his adopted country.

Will it be permitted to me, a faithful disciple of that American school whose principles are so admirably exposed in that immortal Declaration, to hope that you, sir, would do me the honor to communicate this letter to both Houses of Congress at the same time that in the name of his afflicted family you would present to them my venerated father's gift?

In craving such an important favor, sir, the son of General Lafayette, the adopted grandson of Washington, knows and shall never forget that he would become unworthy of it if he was ever to cease to be a French and American patriot.

With the utmost respect, I am, sir, your devoted and obedient servant,

GEORGE W. LAFAYETTE.

WASHINGTON, *December 10, 1834.*

To the Senate and House of Representatives of the United States:

The joint resolutions of Congress unanimously expressing their sensibility on the intelligence of the death of General Lafayette were communicated, in compliance with their will, to George Washington Lafayette and the other members of the family of that illustrious man. By their request I now present the heartfelt acknowledgments of the surviving descendants of our beloved friend for that highly valued proof of the sympathy of the United States.

ANDREW JACKSON.

WASHINGTON, *June 27, 1834.*

GEORGE WASHINGTON LAFAYETTE AND THE OTHER MEMBERS OF THE FAMILY OF THE LATE GENERAL LAFAYETTE:

In compliance with the will of Congress, I transmit to you the joint resolutions of the two Houses unanimously expressing the sensibility with which they received the intelligence of the death of "General Lafayette, the friend of the United States, the friend of Washington, and the friend of liberty;" and I also assure you of the condolence of this whole nation in the irreparable bereavement which by that event you have sustained.

In complying with the request of Congress I can not omit the occasion of offering you my own condolence in the great loss you have sustained, and of expressing my admiration of the eminent virtues of the distinguished patriot whom it has pleased Providence to remove to his high reward.

I also pray you to be persuaded that your individual welfare and prosperity will always be with me objects of that solicitude which the illustrious services of the great friend and benefactor of my country are calculated to awaken.

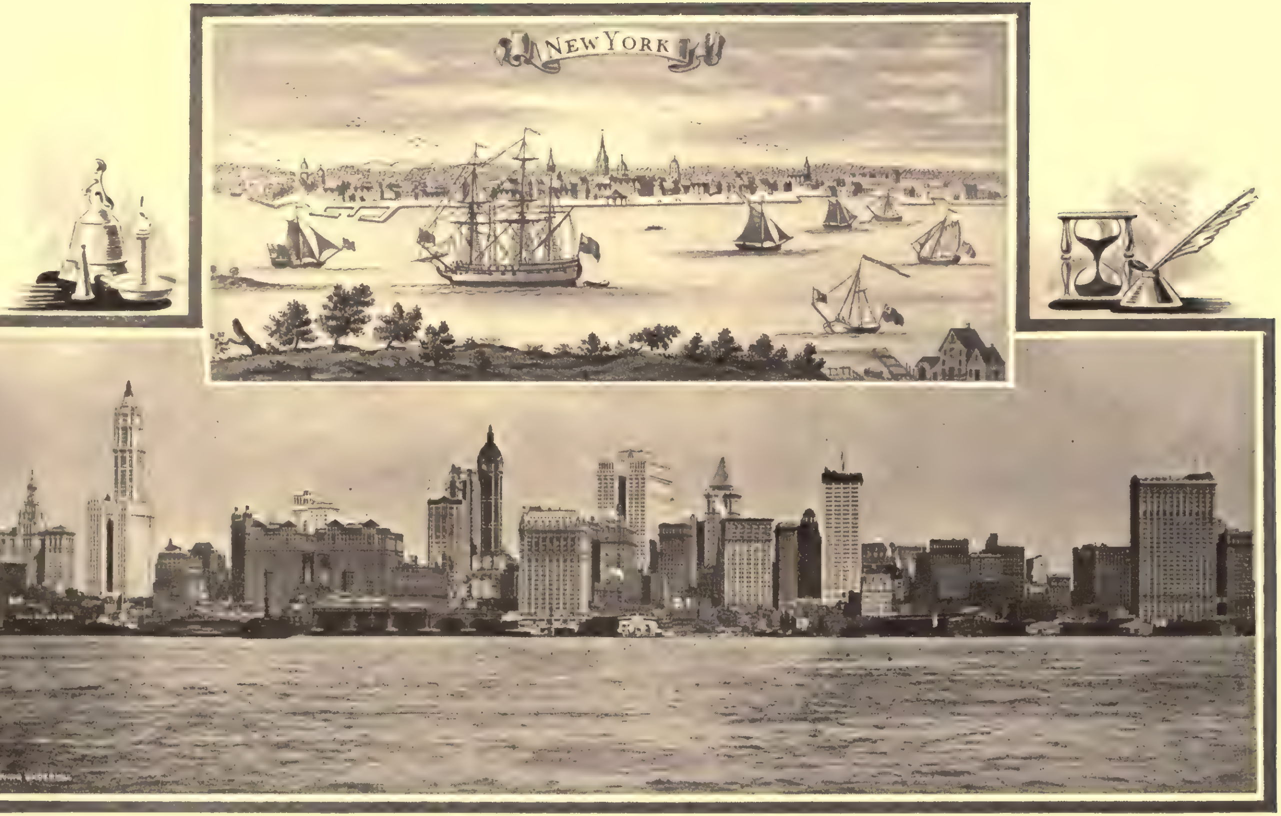
ANDREW JACKSON,
President of the United States.

RESOLUTION manifesting the sensibility of the two Houses of Congress and of the nation on the occasion of the decease of General Lafayette.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the two Houses of Congress have received with the profoundest sensibility intelligence of the death of General Lafayette, the friend of the United States, the friend of Washington, and the friend of liberty.

And be it further resolved, That the sacrifices and efforts of this illustrious person in the cause of our country during her struggle for independence, and the affectionate interest which he has at all times manifested for the success of her political institutions, claim from the Government and people of the United States an expression of condolence for his loss, veneration for his virtues, and gratitude for his services.

And be it further resolved, That the President of the United States be requested to address, together with a copy of the above resolutions, a letter to George Washington Lafayette and the other members of his family, assuring them of the condolence of this whole nation in their irreparable bereavement.



NEW YORK IN 1790 AND 1917

NEW YORK: AN INSTANCE OF PROGRESS

It is interesting, after scanning a picture like that on the other side, to refer to the forecasts of America's destiny made by the Presidents. During the Civil War, Lincoln wrote that if the population continued to increase at the rate which had been maintained up to that time, we should have by 1911 a population of 250,000,000. (See page 3259.) That prophesy has not been fulfilled and the increase of our people has slackened considerably since his time. The prosperity of the country depends on the security of the Government, and, vice versa, the strength of a Government may be gauged by the business conditions under it. The Government's part in business affairs was never so active as now. For proof of this assertion, consult the Encyclopedic Index headings "Anti-Trust Law," "Inter-State Commerce," "Trusts," "Monopolies," "Corporations," "Conspiracies," "Commerce," "Common Carriers," and "Standard Oil Case." The Presidents have made a profound study of the subject, and references to the pages mentioned by the index under the above headings will be well repaid. President Taft's message on the Interstate Commerce and Anti-Trust Laws is probably the best discussion of those statutes which has appeared, because it sums up the experience of previous administrations (page 7829).

And be it further resolved, That the members of the two Houses of Congress will wear a badge of mourning for thirty days, and that it be recommended to the people of the United States to wear a similar badge for the same period.

And be it further resolved, That the halls of the Houses be dressed in mourning for the residue of the session.

And be it further resolved, That John Quincy Adams be requested to deliver an oration on the life and character of General Lafayette before the two Houses of Congress at the next session.

JNO. BELL,
Speaker of the House of Representatives.

M. VAN BUREN,
Vice-President of the United States and President of the Senate.

Approved, June 26, 1834.

ANDREW JACKSON.

LA GRANGE, *October 21, 1834.*

SIR: The resolution of Congress communicated to me by your honored favor of the 27th of June, that glorious testimony of American national affection for my beloved and venerated father, has been received by his family with the deepest sense of the most respectful and, give me leave to say, filial gratitude.

And now, sir, that we experience the benefits of such a high and soothing sympathy, we find ourselves called to the honor of addressing to the people and Congress of the United States our heartfelt and dutiful thanks.

Sir, you were the friend of my father, and the kind letter which accompanied the precious message seems to be for us a sufficient authorization to our claiming once more your honorable assistance for the accomplishment of a duty dear to our hearts. We most fervently wish that the homage of our everlasting devotion to a nation whose tears have deigned to mingle with ours should be offered to both Houses of Congress. Transmitted by you, sir, that homage shall be rendered acceptable, and we earnestly pray you, sir, to present it in our name. Our gratitude shall be forever adequate to the obligation.

The resolution which so powerfully honors my father's memory shall be deposited as a most sacred family property in that room of mourning where once his son and grandsons used to receive with avidity from him lessons of patriotism and active love of liberty. There the daily contemplation of it will more and more impress their minds with that encouraging conviction that the affection and esteem of a free nation is the most desirable reward that can be obtained on earth.

With the utmost respect, sir, I have the honor to be, your devoted and obedient servant,

GEORGE W. LAFAYETTE.

WASHINGTON, *December 12, 1834.*

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 10th instant, calling for any information which the President may possess respecting the burning of the building occupied by the Treasury Department in the year 1833, I transmit herewith the papers containing the inquiry into the cause of that disaster, which was directed and made soon after its occurrence.

Accompanying this inquiry I also transmit a particular report from

Mr. McLane, who was then Secretary of the Treasury, stating all the facts relating to the subject which were within the knowledge of the officers of the Department and such losses of records and papers as were ascertained to have been sustained.

ANDREW JACKSON.

To the Senate:

I transmit herewith, for the consideration of the Senate, papers showing the terms on which the united tribes of the Chippewas, Ottawas, and Potawatamies are willing to accede to the amendments contained in the resolution of the Senate of the 22d of May last, ratifying conditionally the treaty which had been concluded with them on the 26th day of September, 1833.

ANDREW JACKSON.

DECEMBER 15, 1834.

WASHINGTON, *December 27, 1834.*

To the Senate of the United States:

I transmit to the Senate a report from the Secretary of State, together with the papers relative to the execution of the treaty of the 4th of July, 1831, between the United States and France, requested by their resolution of the —— instant.

ANDREW JACKSON.

WASHINGTON, *December 27, 1834.*

To the House of Representatives of the United States:

I transmit to the House a report from the Secretary of State, together with the papers relating to the refusal of the French Government to make provision for the execution of the treaty between the United States and France concluded on the 4th July, 1831, requested by their resolution of the 24th instant.

ANDREW JACKSON.

DEPARTMENT OF STATE,
Washington, December 27, 1834.

The PRESIDENT OF THE UNITED STATES:

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 24th instant, requesting the President of the United States "to communicate to the House, if not in his opinion incompatible with the public interest, any communications or correspondence which may have taken place between our minister at Paris and the French Government, or between the minister from France to this Government and the Secretary of State, on the subject of the refusal of the French Government to make provision for the execution of the treaty concluded between the United States and France on the 4th July, 1831," has the honor of reporting to the President copies of the papers desired by that resolution.

It will be perceived that no authority was given to either of the chargés d'affaires who succeeded Mr. Rives to enter into any correspondence with the French Government in regard to the merits of the convention, or in relation to its execution.

except to urge the prompt delivery of the papers stipulated for in the sixth article and to apprise that Government of the arrangement made for receiving payment of the first installment.

All which is respectfully submitted. JOHN FORSYTH.

WASHINGTON, *January 5, 1835.*

To the House of Representatives:

In answer to the resolution of the House of Representatives passed on the 24th ultimo, I transmit a report* from the Secretary of State upon the subject.

ANDREW JACKSON.

WASHINGTON, *January 6, 1835.*

To the House of Representatives of the United States:

In answer to a resolution of the House of Representatives passed on the 27th ultimo, I transmit a report made to me by the Secretary of State on the subject; and I have to acquaint the House that the negotiation for the settlement of the northeastern boundary being now in progress, it would, in my opinion, be incompatible with the public interest to lay before the House any communications which have been had between the two Governments since the period alluded to in the resolution.

ANDREW JACKSON.

WASHINGTON, *January 13, 1835.*

To the House of Representatives:

In compliance with the resolution of the House of the 8th instant, requesting "copies of every circular or letter of instruction emanating from the Treasury or War Departments since the 30th day of June last, and addressed to either the receiving or the disbursing officers stationed in States wherein land offices are established or public works are constructing under the authority of Congress," I transmit herewith reports from the Secretaries of the Treasury and War Departments, containing the information sought for.

ANDREW JACKSON.

WASHINGTON, *January 13, 1835.*

To the Senate of the United States:

I have received the resolution of the Senate of the 9th instant, requesting me to communicate "a copy of any report made by any director or directors of the Bank of the United States appointed by the Government, purporting to give information to the Executive of certain notes and bills of exchange discounted at the Bank of the United States for account and benefit of George Poindexter, a member of the Senate; also the name or names of such director or directors."

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* Relating to claims of American citizens upon the Mexican Government.

In my replies to the resolutions of the Senate of the 11th December, 1833, and of 12th of June, 1834, the former passed in their legislative and the latter in their executive capacity, I had occasion to state the objections to requests of this nature, and to vindicate in this respect the constitutional rights of the executive department. The views then expressed remain unchanged, and as I think them peculiarly applicable to the present occasion I should feel myself required to decline any reply to the resolution before me were there not reason to apprehend that persons now in nomination before the Senate might possibly by such a course be exposed to improper and injurious imputations.

The resolution of the Senate, standing alone, would seem to be adopted with the view of obtaining information in regard to the transactions which may have been had between a particular member of the Senate and the Bank of the United States. It can, however, scarcely be supposed that such was its object, inasmuch as the Senate have it in their power to obtain any information they may desire on this subject from their own committee, who have been freely allowed, as appears by their published report, to make examinations of the books and proceedings of the bank, peremptorily denied to the Government directors, and not even allowed to the committee of the House of Representatives. It must therefore be presumed that the resolution has reference to some other matter, and on referring to the Executive Journal of the Senate I find therein such proceedings as in my judgment fully to authorize the apprehension stated.

Under these circumstances, and for the purpose of preventing misapprehension and injustice, I think it proper to communicate herewith a copy of the only report made to me by any director or directors of the Bank of the United States appointed by the Government, since the report of the 19th of August, 1833, which is already in the possession of the Senate. It will be perceived that the paper herewith transmitted contains no information whatever as to the discounting of notes or bills of exchange for the account and benefit of the member of the Senate named in their resolution, nor have I at any time received from the Government directors any report purporting to give any such information.

ANDREW JACKSON.

WASHINGTON, *January 29, 1835*.

To the House of Representatives of the United States:

I transmit to the House of Representatives a report* from the Secretary of State, upon the subject of a resolution of the 22d instant, which was referred to that officer, together with the papers referred to in the said report.

ANDREW JACKSON.

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* Relating to Commerce with Cuba and Puerto Rico.

WASHINGTON, *January 30, 1835.*

To the House of Representatives of the United States:

With reference to the claim of the granddaughters of the Marshal de Rochambeau, and in addition to the papers formerly communicated relating to the same subject, I now transmit to the House of Representatives, for their consideration, a memorial to the Congress of the United States from the Countess d'Ambrugeac and the Marquise de la Gorée, together with the letter which accompanied it. Translations of these documents are also sent.

ANDREW JACKSON.

WASHINGTON, *February 6, 1835.*

To the House of Representatives:

I submit to Congress a report from the Secretary of War, containing the evidence of certain claims to reservations under the fourteenth article of the treaty of 1830 with the Choctaws, which the locating agent has reserved from sale in conformity with instructions from the President, who did not consider himself authorized to direct their location.

Should Congress consider the claims just, it will be proper to pass a law authorizing their location, or satisfying them in some other way.

ANDREW JACKSON.

WASHINGTON, *February 6, 1835.*

To the House of Representatives of the United States:

I transmit to the House of Representatives a report of the Secretary of State, accompanied with extracts from certain dispatches received from the minister of the United States at Paris, which are communicated in compliance with a resolution of the House of the 31st ultimo. Being of opinion that the residue of the dispatches of that minister can not at present be laid before the House consistently with the public interest, I decline transmitting them. In doing so, however, I deem proper to state that whenever any communication shall be received exhibiting any change in the condition of the business referred to in the resolution information will be promptly transmitted to Congress.

ANDREW JACKSON.

DEPARTMENT OF STATE,
Washington, February 5, 1835.

The PRESIDENT OF THE UNITED STATES:

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 31st ultimo, requesting the President "to communicate to that House, if not incompatible with the public interest, any correspondence with the Government of France and any dispatches received from the minister of the United States at Paris, not hitherto communicated to the House, in relation to the failure of the French Government to carry into effect any stipulation of the treaty of the 4th day of July, 1831," has the honor to report to the President that as far as is known to the Department no correspondence has taken place with the Government of France since that communicated to the House on the 27th December last. The Secretary is not aware that the dispatches received from the minister of the United States at Paris present any material fact which does not appear in the correspondence already transmitted. He nevertheless incloses so much of those dispatches written subsequently to the commencement of the present session of the French Chambers as may serve to shew the state of the business to which they relate since that time, and also that portion of an early dispatch which contains the substance of the assurances made to him by His Majesty the King of the French at a formal audience granted to him for the purpose of presenting his credentials, and he submits for the President's consideration whether the residue can consistently with the public interest be now laid before the House.

JOHN FORSYTH.

Mr. Livingston to the Secretary of State of the United States.

[Extracts.]

PARIS, *October 4, 1833.*

SIR: On Monday I presented my letter of credence to the King, on which occasion I made the address to him a copy of which is inclosed.

* * * * * * *

His answer was long and earnest. I can not pretend to give you the words of it, but in substance it was a warm expression of his good feeling toward the United States for the hospitality he had received there, etc. * * * "As to the convention," he said, "assure your Government that unavoidable circumstances alone prevented its immediate execution, but it will be faithfully performed. Assure your Government of this," he repeated, "the necessary laws will be passed at the next meeting of the Chambers. I tell you this not only as King, but as an individual whose promise will be fulfilled."

Mr. Livingston to the Secretary of State.

[Extracts.]

PARIS, *November 22, 1834.*

* * * * * * *

I do not hope for any decision on our affairs before the middle of January. One motive for delay is an expectation that the message of the President may arrive before the discussion, and that it may contain something to show a strong national feeling on the subject. *This is not mere conjecture; I know the fact.* And I repeat now from a full knowledge of the case what I have more than once stated in my former dispatches as my firm persuasion, that the moderate tone taken by our Government when the rejection was first known was attributed by some to indifference or to a conviction on the part of the President that he would not be supported in any strong measure by the people, and by others to a consciousness that the convention had given us more than we were entitled to ask.

* * * * * * *

I saw last night an influential member of the Chamber, who told me that, * * * and that the King had spoken of our affairs and appeared extremely anxious to secure the passage of the law. I mention this as one of the many circumstances which, independent of official assurances, convince me that the King is sincere, and now I have no doubt of the sincerity of his cabinet. From all this you may imagine the anxiety I shall feel for the arrival of the President's message. On its tone will depend very much, not only the payment of our claims, but our national reputation for energy. I have no doubt it will be such as to attain both of these important objects.

Mr. Livingston to Mr. Forsyth.

[Extract.]

PARIS, *December 6, 1834.*

* * * * * * *

The Chambers were convened on the 1st instant under very exciting circumstances, the ministers individually and the papers supposed to speak their language having previously announced a design to enter into a full explanation of their conduct, to answer all interrogations, and place their continuance in office on the question of approval by the Chambers of their measures.

This, as you will see by the papers, they have frankly and explicitly done, and after a warm debate of two days, which has just closed, they have gained a decided victory. This gives them confidence, permanence, and, I hope, influence enough to carry the treaty. I shall now urge the presentation of the law at as early a day as possible, and although I do not yet feel very certain of success, my hopes of it are naturally much increased by the vote of this evening. The conversations I have had with the King and with all the ministers convince me that now they are perfectly in earnest and united on the question, and that it will be urged with zeal and ability.

Many of the deputies, too, with whom I have entered into explanations on the subject, seem now convinced that the interest as well as the honor of the nation requires the fulfillment of their engagements. This gives me hopes that the endeavors I shall continue to make without ceasing until the question is decided may be successful.

The intimation I have conceived myself authorized to make of the serious consequences that may be expected from another rejection of the law, and of the firm determination of our Government to admit of no reduction or change in the treaty, I think has had an effect. On the whole, I repeat that without being at all confident I now entertain better hopes than I have for some time past done.

Mr. Livingston to the Secretary of State.

[Extracts.]

PARIS, *December 22, 1834.*

Hon. JOHN FORSYTH,
Secretary of State, etc.

SIR: Our diplomatic relations with this Government are on the most extraordinary footing. With the executive branch I have little to discuss, for they agree with me in every material point on the subject of the treaty. With the legislature, where the great difficulty arises, I can have no official communication. Yet, deeply impressed with the importance to my fellow-citizens of securing the indemnity to which they are entitled, and to the country of enforcing the execution of engagements solemnly made to it, as well as of preventing a rupture, which must infallibly follow the final refusal to execute the convention, I have felt it a duty to use every proper endeavor to avoid this evil. This has been and continues to be a subject of much embarrassment.

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My last dispatch (6th December) was written immediately after the vote of the Chamber of Deputies had, as it was thought, secured a majority to the administration, and it naturally excited hopes which that supposition was calculated to inspire. I soon found, however, both from the tone of the administration press and from the language of the King and all the ministers with whom I conferred on the subject, that they were not willing to put their popularity to the test on our question.

It will not be made one on the determination of which the ministers are willing to risk their portfolios. The very next day after the debate the ministerial gazette (Les Débats) declared that, satisfied with the approbation the Chamber had given to their system, it was at perfect liberty to exercise its discretion as to particular measures which do not form *an essential part of that system;* and the communications I subsequently had with the King and the ministers confirmed me in the opinion that the law for executing our convention was to be considered as one of those free questions. I combated this opinion, and asked whether the faithful observance of treaties was not *an essential part of their* system, and, if so, whether it did not come within their rule. Without answering this argument, I was told of the endeavors they were making to secure the passage of the law by preparing the statement* mentioned in my former dispatch. This, it is said, is nearly finished, and from what I know of its tenor it will produce all the effect that truth and justice can be expected to have on prejudice and party spirit.

The decision not to make it a cabinet question will not be without its favorable operation; * * * some of the leaders of the opposition, who may not be willing to take the responsibility of a rupture between the two nations by breaking the treaty, when they are convinced that instead of forcing the ministers to resign they will themselves only incur the odium of having caused the national breach. In this view of the subject I shall be much aided if by the tenor of the President's message it is seen that we shall resent the breach of faith they contemplate.

It is on all hands conceded that it would be imprudent to press the decision before the next month, when the exposition will be printed and laid before the Chambers.

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On the whole, I am far from being sanguine of success in the endeavors which I shall not cease to make for the accomplishment of this important object of my mission, and I expect with some solicitude the instructions for my conduct in the probable case of a rejection of the law.

I have the honor to be, etc., EDW. LIVINGSTON.

WASHINGTON, *February 10, 1835.*

To the Senate of the United States:

I have received the resolution of the Senate of the 2d instant, requesting me to communicate copies of the charges, if any, which may have been made to me against the official conduct of Gideon Fitz, late surveyor-general south of the State of Tennessee, which caused his removal from office.

The resolution is preceded by a preamble which alleges as reasons for this request that the causes which may have produced the removal of the officer referred to may contain information necessary to the action of the Senate on the nomination of his successor and to the investigation now in progress respecting the frauds in the sales of the public lands.

This is another of those calls for information made upon me by the Senate which have, in my judgment, either related to the subjects exclusively belonging to the executive department or otherwise encroached on the constitutional powers of the Executive. Without conceding the right of the Senate to make either of these requests, I have yet, for the various reasons heretofore assigned in my several replies, deemed it expedient to comply with several of them. It is now, however, my solemn conviction that I ought no longer, from any motive nor in any degree, to yield to these unconstitutional demands. Their continued repetition imposes on me, as the representative and trustee of the American people, the painful but imperious duty of resisting to the utmost any further encroachment on the rights of the Executive. This course is especially due to the present resolution. The President in cases of this nature possesses the exclusive power of removal from office, and, under the sanctions of his official oath and of his liability to impeachment, he is bound to exercise it whenever the public welfare shall require. If, on the other hand, from corrupt motives he abuses this power, he is exposed to the same responsibilities. On no principle known to our institutions can he be required to account for the manner in which he discharges this portion of his public duties, save only in the mode and under the forms prescribed by the Constitution. The suggestion that the charges a copy of which is requested by the Senate "may contain information necessary to their action" on a nomination now before them can not vary the principle. There is no necessary connection between the two subjects, and even if there were the Senate have no right to call for that portion of these matters which appertains to the separate and independent action of the Executive. The intimation that these charges may also be necessary "to the investigation now in progress respecting frauds in the sales of public lands" is still more insufficient to authorize the present call. Those investigations were instituted and have thus far been conducted by the Senate in their legislative capacity, and with the view, it is presumed, to some legislative action. If the President has in his possession any information on the subject of such frauds, it is his duty to communicate it to Congress, and it may undoubtedly be called for by either House sitting in its legislative capacity, though even from such a call all matters properly belonging to the exclusive duties of the President must of necessity be exempted.

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* A memoir to be laid before the commission which may be appointed to examine the law intended to contain all the arguments and facts by which it is to be supported.

The resolution now before me purports to have been passed in executive session, and I am bound to presume that if the information requested therein should be communicated it would be applied in secret session to "the investigation of frauds in the sales of the public lands." But, if so applied, the distinction between the executive and legislative functions of the Senate would not only be destroyed, but the citizen whose conduct is impeached would lose one of his valuable securities, that which is afforded by a public investigation in the presence of his accusers and of the witnesses against him. Besides, a compliance with the present resolution would in all probability subject the conduct and motives of the President in the case of Mr. Fitz to the review of the Senate when not sitting as judges on an impeachment, and even if this consequence should not occur in the present case the compliance of the Executive might hereafter be quoted as a precedent for similar and repeated applications.

Such a result, if acquiesced in, would ultimately subject the independent constitutional action of the Executive in a matter of great national concernment to the domination and control of the Senate; if not acquiesced in, it would lead to collisions between coordinate branches of the Government, well calculated to expose the parties to indignity and reproach and to inflict on the public interest serious and lasting mischief.

I therefore decline a compliance with so much of the resolution of the Senate as requests "copies of the charges, if any," in relation to Mr. Fitz, and in doing so must be distinctly understood as neither affirming nor denying that any such charges were made; but as the Senate may lawfully call upon the President for information properly appertaining to nominations submitted to them, I have the honor, in this respect, to reply that I have none to give them in the case of the person nominated as successor to Mr. Fitz, except that I believe him, from sources entitled to the highest credit, to be well qualified in abilities and character to discharge the duties of the office in question.

ANDREW JACKSON.

WASHINGTON, *February 14, 1835*.

To the Senate of the United States:

I beg leave to call the attention of Congress to the accompanying communication from the Secretary of War, from which it appears that the "act for the relief of Benedict Alford and Robert Brush," although signed and duly certified by the proper officers as having passed the two Houses of Congress at their last session, had not in fact obtained the sanction of that body when it was presented to the President for his approval.

Under these circumstances it is thought that the subject is worthy of the consideration of Congress.

ANDREW JACKSON.

WASHINGTON, *February 16, 1835*.

To the House of Representatives of the United States:

I transmit to the House of Representatives, for their consideration, a petition to the Congress of the United States from Adelaide de Grasse de Grochamps, one of the surviving daughters of the Count de Grasse, together with the letter which accompanied it. Translations of these papers are also sent.

ANDREW JACKSON.

WASHINGTON, *February 18, 1835*.

To the House of Representatives:

Since my message a few days ago relating to Choctaw reservations other documents on the same subject have been received from the locating agent, which are mentioned in the accompanying report of the Secretary of War, and which I also transmit herewith for the information and consideration of Congress.

ANDREW JACKSON.

WASHINGTON, *February 21, 1835.*

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate as to the ratification of the same, four treaties for Potawatamie reservations, concluded by General Marshall in December last.

ANDREW JACKSON.

WASHINGTON, *February 25, 1835.*

To the Senate and House of Representatives of the United States:

I transmit to Congress a report from the Secretary of State, with copies of all the letters received from Mr. Livingston since the message to the House of Representatives of the 6th instant, of the instructions given to that minister, and of all the late correspondence with the French Government in Paris or in Washington, except a note of Mr. Sérurier, which, for the reasons stated in the report, is not now communicated.

It will be seen that I have deemed it my duty to instruct Mr. Livingston to quit France with his legation and return to the United States if an appropriation for the fulfillment of the convention shall be refused by the Chambers.

The subject being now in all its present aspects before Congress, whose right it is to decide what measures are to be pursued in that event, I deem it unnecessary to make further recommendation, being confident that on their part everything will be done to maintain the rights and honor of the country which the occasion requires.

ANDREW JACKSON.

DEPARTMENT OF STATE,
Washington, February 25, 1835.

The PRESIDENT OF THE UNITED STATES:

The Secretary of State has the honor to submit to the President copies of all the letters received from Mr. Livingston since the message to the House of Representatives of the 6th instant, of the instructions given to that minister, and of all the late correspondence with the French Government in Paris or in Washington, except the last note of M. Sérurier, which it has been considered necessary to submit to the Government of France before it is made public or answered, that it may be ascertained whether some exceptionable expressions are to be taken as the result of a settled purpose in that Government or as the mere ebullition of the minister's indiscretion.

JOHN FORSYTH.

Mr. Livingston to Mr. Forsyth.

No. 70.

LEGATION OF THE UNITED STATES,
Paris, January 11, 1835.

Hon. JOHN FORSYTH.

SIR: Believing that it would be important for me to receive the dispatches you might think it necessary to send with the President's message, I ventured on incurring the expense of a courier to bring it to me as soon as it should arrive at Havre. Mr. Beasley accordingly, on the arrival of the *Sully*, dispatched a messenger with my letters received by that vessel, and a New York newspaper containing the message, but without any communication from the Department, so that your No. 43 is still the last which I have to acknowledge. The courier arrived at 2 o'clock on the morning of the 8th. Other copies were the same morning received by the estafette, and the contents, being soon known, caused the greatest sensation, which as yet is, I think, unfavorable—the few members of the opposition who would have voted for the execution of the treaty now declaring that they can not do it under the threat of reprisals, and the great body of that party making use of the effect it has on national pride to gain proselytes from the ministerial side of the Chamber, in which I have no doubt they have in a great degree for the time succeeded.

The ministers are aware of this, and will not, I think, immediately urge the consideration of the law, as I have no doubt they were prepared to do when the message arrived. Should Congress propose commercial restrictions or determine to wait to the end of the session before they act, this will be considered as a vote against reprisals, and then the law will be proposed and I think carried. But I ought not to conceal from you that the excitement is at present very great; that their pride is deeply wounded by what they call an attempt to coerce them by threats to the payment of a sum which they persist, in opposition to the plainest proof, in declaring not to be due. This feeling is fostered by the language of our opposition papers, particularly by the Intelligencer and New York Courier, extracts from which have been sent on by Americans, declaring them to be the sentiments of a majority of the people. These, as you will see, are translated and republished here, with such comments as they might have been expected and undoubtedly were intended to produce, and if hostilities should take place between the two countries those persons may flatter themselves with having the credit of a great share in producing them. The only letter I have received from home is from one of my family. This, to my great satisfaction, informs me that the President will be supported by all parties, and I am told that this is the language of some of the opposition papers; but as they are not sent to the legation I can not tell in what degree this support can be depended upon. Whether the energetic language of the message will be made the pretext with some or be the cause with others among the deputies for rejecting the law can not, of course, be yet conjectured with any great degree of probability, but I think it will have a good effect. It has certainly raised us in the estimation of other powers, if I may judge from the demeanor of their representatives here, and my own opinion is that as soon as the first excitement subsides it will operate favorably on the counsels of France. Already some of the journals begin to change their tone, and I am much mistaken if the opposition here, finding that we are in earnest, will incur the responsibility of a rupture between the two nations, which they see must take place if the treaty be rejected. The funds experienced a considerable fall as soon as the message was known, and insurance rose. In short, it has made them feel the commercial as well as political importance of our country.

The Comte de Rigny had requested me to communicate the message to him as soon as it should be received. This I promised to do, and accordingly on the morning of the 8th, to avoid any mistake as to the mode of making the communication, I carried the paper to him myself, telling him that I had received a gazette containing a paper said to be the message of the President, which I delivered to him in compliance with my promise; but I requested him to observe that it was not an authentic paper, nor was it delivered in pursuance of instructions, nor in my official character. I thought it, for obvious reasons, necessary to be very explicit on this point, and he properly understood me, as he had not yet read the message. Little more passed at the interview, and I thought of it, but not immediately, to seek another. I shall probably, however, see him to-night, and shall then appoint some time for a further conference, of which I will by this same packet give you the result.

Mr. Middleton has just arrived from Madrid with the inscriptions for the Spanish indemnity and a draft for the first payment of interest. His instructions are, he says, to leave them with me, but as I have heard nothing from the Department I shall advise the depositing them with Rothschild to wait the directions of the President.

The importance of obtaining the earliest intelligence at this crisis of our affairs with France has induced me to direct that my letters should be sent by the estafette from Havre, and that if any important advice should be received at such an hour in the day as would give a courier an advance of some hours over the estafette, that a special messenger should be dispatched with it.

I have the honor to be, very respectfully, sir, your most obedient servant,

EDW. LIVINGSTON.

Mr. Livingston to Mr. Forsyth.

No. 71.

LEGATION OF THE UNITED STATES,
Paris, January 14, 1835.

HON. JOHN FORSYTH.

SIR: The intended conference with the minister for foreign affairs of which I spoke to you in my last (No. 70) took place yesterday morning. I began it by expressing my regret that a communication from the President to Congress had been so much misrepresented in that part which related to France as to be construed into a measure of hostilities. It was, I said, part of a consultation between different members of our Government as to the proper course to be pursued if the legislative body of France should persevere in refusing to provide the means of complying with a treaty formally made; that the President, as was his duty, stated the facts truly and in moderate language, without any irritating comment; that in further pursuance of his official duty he declared the different modes of redress which the law of nations permitted in order to avoid hostilities, expressing, as he ought to do, his reasons for preferring one of them; that in all this there was nothing addressed to the French nation; and I likened it to a proceeding well known in the French law (a family council in which the concerns and interests are discussed), but of which in our case the debates were necessarily public; that a further elucidation of the nature of this document might be drawn from the circumstance that no instructions had been given to communicate it to the French Government, and that if a gazette containing it had been delivered it was at the request of his excellency, and expressly declared to be a private communication, not an official one. I further stated that I made this communication without instructions, merely to counteract misapprehensions and from an earnest desire to rectify errors which might have serious consequences. I added that it was very unfortunate that an earlier call of the Chambers had not been made in consequence of Mr. Sérurier's promise, the noncompliance with which was of a nature to cause serious disquietude with the Government of the United States. I found immediately that this was the part of the message that had most seriously affected the King, for Comte de Rigny immediately took up the argument, endeavoring to show that the Government had acted in good faith, relying principally on the danger of a second rejection had the Chambers been called at an early day expressly for this object. I replied by repeating that the declaration made by Mr. Sérurier was a positive and formal one, and that it had produced a forbearance on the part of the President to lay the state of the case before Congress. In this conference, which was a long one, we both regretted that any misunderstanding should interrupt the good intelligence of two nations having so many reasons to preserve it and so few of conflicting interests. He told me (what I knew before) that the exposition was prepared, and that the law would have been presented the day after that on which the message was received. He showed me the document, read part of it to me, and expressed regret that the language of the message prevented it being sent in. I said that I hoped the excitement would soon subside and give place to better feelings, in which I thought he joined with much sincerity. It is perhaps necessary to add that an allusion was made by me to the change of ministry in November and the reinstatement of the present ministers, which I told him I had considered as a most favorable occurrence, and that I had so expressed myself in my communications to you, but that this circumstance was unknown at Washington when the message was delivered; and I added that the hopes of success held out in the communication to which I referred and the assurances it contained that the ministers would zealously urge the adoption of the law might probably have imparted the same hopes to the President and have induced some change in the measure he had recommended, but that the formation of the Dupin ministry, if known, must have had a very bad effect on the President's mind, as many of that ministry were known to be hostile to the treaty.

When I took leave the minister requested me to reflect on the propriety of presenting a note of our conversation, which he said should be formal or otherwise, as I should desire. I told him I would do so, and inform him on the next morning by 11 o'clock. We parted, as I thought, on friendly terms, and in the evening, meeting him at the Austrian ambassador's, I told him that on reflection I had determined to wait the arrival of the packet of the 16th before I gave the note, to which he made no objection. After all this you may judge of my surprise when last night about 10 o'clock I received the letter copy of which is inclosed, and which necessarily closes my mission. In my reply I shall take care to throw the responsibility of breaking up the diplomatic intercourse between the countries where it ought to rest, and will not fail to expose the misstatements which you will observe are contained in the minister's note, both as respects my Government and myself; but the late hour at which I received the Comte de Rigny's note and the almost immediate departure of the packet may prevent my sending you a copy of my communication to him, which I shall use the utmost diligence in preparing.

The law, it is said, will be presented to-day, and I have very little doubt that it will pass. The ministerial phalanx, reenforced by those of the opposition (and they are not a few) who will not take the responsibility of involving the country in the difficulties which they now see must ensue, will be sufficient to carry the vote. The recall of Sérurier and the notice to me are measures which are resorted to to save the pride of the Government and the nation.

I have the honor to be, very respectfully, sir, your most obedient servant,

EDW. LIVINGSTON.

From Count de Rigny to Mr. Livingston.

[Translation.]

DEPARTMENT OF FOREIGN AFFAIRS,
Paris, January 13, 1835.

Hon. EDWARD LIVINGSTON, etc.

SIR: You have well comprehended the nature of the impressions produced upon the King's Government by the message which His Excellency President Jackson addressed on the 1st of December to the Congress of the United States. Nothing certainly could have prepared us for it. Even though the complaints expressed in it had been as just as they are in reality unjust, we should still have had a right to be astonished on receiving the first communication of them in such a form.

In the explanations which I am now about to make I can not enter upon the consideration of any facts other than those occurring subsequently to the vote by which the last Chamber of Deputies refused the appropriation necessary for the payment stipulated in the treaty of July 4. However this vote may have been regarded by the Government of the United States, it is evident that by accepting (*accueillant*) the promise of the King's Government to bring on a second deliberation before the new legislature it had in fact postponed all discussion and all recrimination on the subject of this first refusal until another decision should have either repealed or confirmed it. This postponement therefore sets aside for the time all difficulties arising either justly or unjustly from the rejection of the treaty or from the delay by which it had been preceded; and although the message begins by enumerating them, I think proper, in order to confine myself to the matter in question, only to reply to the imputations made on account of subsequent occurrences.

The reproaches which President Jackson considers himself authorized to address to France may be summed up in a few words. The King's Government promised to present the treaty of July 4 again to the Chambers as soon as they could be assembled. They were assembled on the 31st of July, and the treaty has not yet been presented to them. Such is exactly the whole substance of the President's argumentation, and nothing can be easier than to refute it.

I may first observe that the assembling of the Chambers on the 31st of July, in obedience to a legal prescription that they should be called together within a stated period after a dissolution of the Chamber of Deputies, was nothing more than a piece of formality, and if President Jackson had attended to the internal mechanism of our administrative system he would have been convinced that the session of 1835 could not have really commenced at that session of 1834. Everyone knew beforehand that after a fortnight spent in the forms of installation it would be adjourned.

The President of the United States considers that the bill relative to the American claims should have been presented to the Chamber within that fortnight. I can not understand the propriety of this reproach. The bill was explicitly announced in the speech from the throne on the very day on which the Chambers met. This was all that was required to make known the opinion and design of the Government, and to prevent that species of moral proscription to which absolute silence would have given authority. With regard to the mere act of presentation so long before discussion could possibly take place, this proceeding would have been so unusual and extraordinary that it might have increased the unfavorable prepossessions of the public, already too numerous, without producing any real advantage in return. Above all, the result which the President had in view, of being able to announce the new vote of the Chamber of Deputies in his message, would not have been attained.

President Jackson expresses his regrets that your solicitations (*instances*) had not determined the King's Government to call the Chambers together at an earlier day. How soon soever they may have been called, the simplest calculation will serve to shew that the discussions in our Chambers could not have been known in the United States at the opening of Congress, and the President's regret is therefore unfounded.

Moreover, the same obstacles and the same administrative reasons which rendered a real session impossible during the months of July or August were almost equally opposed to its taking place before the last weeks of the year. The head of a government like that of the United States should be able to comprehend more clearly than anyone else those moral impossibilities which arise from the fixed character of the principles of a constitutional régime, and to see that in such a system the administration is subject to constant and regular forms, from which no special interest, however important, can authorize a deviation.

It is, then, evident that far from meriting the reproach of failing to comply with its engagements, far from having deferred, either voluntarily or from negligence.

the accomplishment of its promises, the King's Government, ever occupied in the design of fulfilling them, was only arrested for a moment by insurmountable obstacles. This appears from the explanations now given, and I must add that the greater part of them have already been presented by M. Sérurier to the Government of the United States, which by its silence seemed to acknowledge their full value.

It is worthy of remark that on the 1st of December, the day on which President Jackson signed the message to Congress, and remarked with severity that nearly a month was to elapse before the assembling of the Chambers, they were in reality assembled in virtue of a royal ordinance calling them together at a period earlier than that first proposed. Their assemblage was not indeed immediately followed by the presentment of the bill relative to the American claims, but you, sir, know better than any other person the causes of this new delay. You yourself requested us not to endanger the success of this important affair by mingling its discussion with debates of a different nature, as their mere coincidence might have the effect of bringing other influences into play than those by which it should naturally be governed. By this request, sir, you clearly shewed that you had with your judicious spirit correctly appreciated the situation of things and the means of advancing the cause which you were called to defend. And permit me to add that the course which you have thought proper to adopt on this point is the best justification of that which we ourselves have for some months been pursuing in obedience to the necessities inherent in our political organization, and in order to insure as far as lies in our power the success of the new attempt which we were preparing to make in the Chamber.

However this may be, the King's Government, freed from the internal difficulties the force of which you have yourself so formally admitted, was preparing to present the bill for giving sanction to the treaty of July 4, when the strange message of December 1 came and obliged it again to deliberate on the course which it should pursue.

The King's Government, though deeply wounded by imputations to which I will not give a name, having demonstrated their purely gratuitous character, still does not wish to retreat absolutely from a determination already taken in a spirit of good faith and justice. How great soever may be the difficulties caused by the provocation which President Jackson has given, and by the irritation which it has produced in the public mind, it will ask the Chambers for an appropriation of twenty-five millions in order to meet the engagements of July 4; but at the same time His Majesty has considered it due to his own dignity no longer to leave his minister exposed to hear language so offensive to France. M. Sérurier will receive orders to return to France.

Such, sir, are the determinations of which I am charged immediately to inform you, in order that you may make them known to the Government of the United States and that you may yourself take those measures which may seem to you to be the natural consequences of this communication. The passports which you may desire are therefore at your disposition.

Accept, sir, the assurance of my high consideration.

DE RIGNY.

Mr. Livingston to Mr. Forsyth.

No. 72.

LEGATION OF THE UNITED STATES,
Paris, January 15, 1835.

SIR: Having determined to send Mr. Brown, one of the gentlemen attached to the legation, to Havre with my dispatches, I have just time to add to them the copy of the note which I have sent to the Comte de Rigny. The course indicated by it was adopted after the best reflections I could give to the subject, and I hope will meet the approbation of the President. My first impressions were that I ought to follow my inclinations, demand my passports, and leave the Kingdom. This would at once have freed me from a situation extremely painful and embarrassing; but a closer attention convinced me that by so doing I should give to the French Government the advantage they expect to derive from the equivocal terms of their note, which, as occasions might serve, they might represent as a suggestion only, leaving upon me the responsibility of breaking up the diplomatic intercourse between the two countries if I demanded my passports; or, if I did not, and they found the course convenient, they might call it an order to depart which I had not complied with. Baron Rothschild also called on me yesterday, saying that he had conversed with the Comte de Rigny, who assured him that the note was not intended as a notice to depart, and that he would be glad to see me on the subject. I answered that I could have no verbal explanations on the subject, to which he replied that he had suggested the writing a note on the subject, but that the minister had declined any written communication. Rothschild added that he had made an appointment with the Comte de Rigny for 6 o'clock, and would see me again at night, and he called to say that there had been a misunderstanding as to the time of appointment, and that he had not seen Mr. de Rigny, but would see him this morning. But in the meantime I determined on sending my note, not only for the reasons contained in it, which appeared to me conclusive, but because I found that the course was the correct one in diplomacy, and that to ask for a passport merely because the Government near which the minister was accredited had suggested it would be considered as committing the dignity of his own; that the universal practice in such cases was to wait the order to depart, and not by a voluntary demand of passports exonerate the foreign Government from the odium and responsibility of so violent a measure. My note will force them to take their ground. If the answer is that they intended only a suggestion which I may follow or not, as I choose, I will remain, but keep aloof until I receive your directions. If, on the other hand, I am told to depart, I will retire to Holland or England, and there wait the President's orders. In either case the derangement will be extremely expensive and my situation very disagreeable. The law was not presented yesterday, but will be to-day, and I have been informed that it is to be introduced by an exposé throwing all the blame of the present state of things on Mr. Sérurier and me for not truly representing the opinions of our respective Governments. They may treat their own minister as they please, but they shall not, without exposure, presume to judge of my conduct and make me the scapegoat for their sins. The truth is, they are sadly embarrassed. If the law should be rejected, I should not be surprised if they anticipated our reprisals by the seizure of our vessels in port or the attack of our ships in the Mediterranean with a superior force. I shall without delay inform Commodore Patterson of the state of things, that he may be on his guard, having already sent him a copy of the message.

I have the honor to be, sir, your obedient servant,

EDW. LIVINGSTON.

Mr. Livingston to the Count de Rigny.

LEGATION OF THE UNITED STATES OF AMERICA,
Paris, January 14, 1835.

His Excellency COUNT DE RIGNY, etc.:

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, received late last night the note of His Excellency the Count de Rigny, minister secretary of state for foreign affairs, dated the 13th instant.

The undersigned sees with great surprise as well as regret that a communication made by one branch of the Government of the United States to another, not addressed to that of His Majesty the King of the French, nor even communicated to it, is alleged as the motive for a measure which not only increases actual subjects of irritation, but which necessarily cuts off all the usual means of restoring harmony to two nations who have the same interests, commercial and political, to unite them, and none but factitious subjects for collision.

The grave matter in the body of his excellency's note demands and will receive a full answer. It is to the concluding part that his attention is now requested. The undersigned, after being informed that it is the intention of His Majesty's Government to recall Mr. Sérurier, is told "that this information is given to the undersigned in order that he may communicate it to his Government and in order that he may himself take those measures which may appear to him the natural result of that communication, and that in consequence thereof the passports which he might require are at his disposition." This phrase may be considered as an intimation of the course which, in the opinion of His Majesty's Government, the undersigned ought to pursue as the natural result of Mr. Sérurier's recall, or it may be construed, as it seems to have been by the public, into a direction by His Majesty's Government to the minister of the United States to cease his functions and leave the country.

It is necessary in a matter involving such grave consequences that there should be no misunderstanding, the two categories demanding a line of conduct entirely different the one from the other.

In the first, he can take no directions or follow no suggestions but those given by his own Government, which he has been sent here to represent. The recall of the minister of France on the grounds alleged could not have been anticipated. Of course no instructions have been given to the undersigned on the subject, and he will not take upon himself the responsibility which he would incur by a voluntary demand of his passports, although made on the suggestion of His Majesty's Government. If this be the sense of the passage in question, the duty of the undersigned can not be mistaken. He will transmit the note of His Excellency the Comte de Rigny to his Government and wait its instructions. Widely different will be his conduct if he is informed that the conclusion of the Comte de Rigny's note is intended as a direction that he should quit the French territory. This he will without delay comply with on being so informed and on receiving the passports necessary for his protection until he shall leave the Kingdom.

Leaving the responsibility of this measure where it ought to rest, the undersigned has the honor to renew to His Excellency the Comte de Rigny the assurance, etc.

EDW'D LIVINGSTON.

Mr. Livingston to Mr. Forsyth.

No. 73.

LEGATION OF THE UNITED STATES,
Paris, *January 16*, *1835*.

Hon. J. FORSYTH, etc.

SIR: The wind being unfavorable, I hope that this letter may arrive in time for the packet.

By the inclosed semiofficial paper you will see that a law has been presented for effecting the payment of 25,000,000 francs capital to the United States, for which the budgets of the six years next succeeding this are affected, and with a condition annexed that our Government shall have done nothing to affect the interests of France. It would seem from this that they mean to pay nothing but the capital, and that only in six years from this time; but as the law refers to the treaty for execution of which it provides, I presume the intention of the ministry can not be to make any change in it, and that the phraseology is in conformity to their usual forms.

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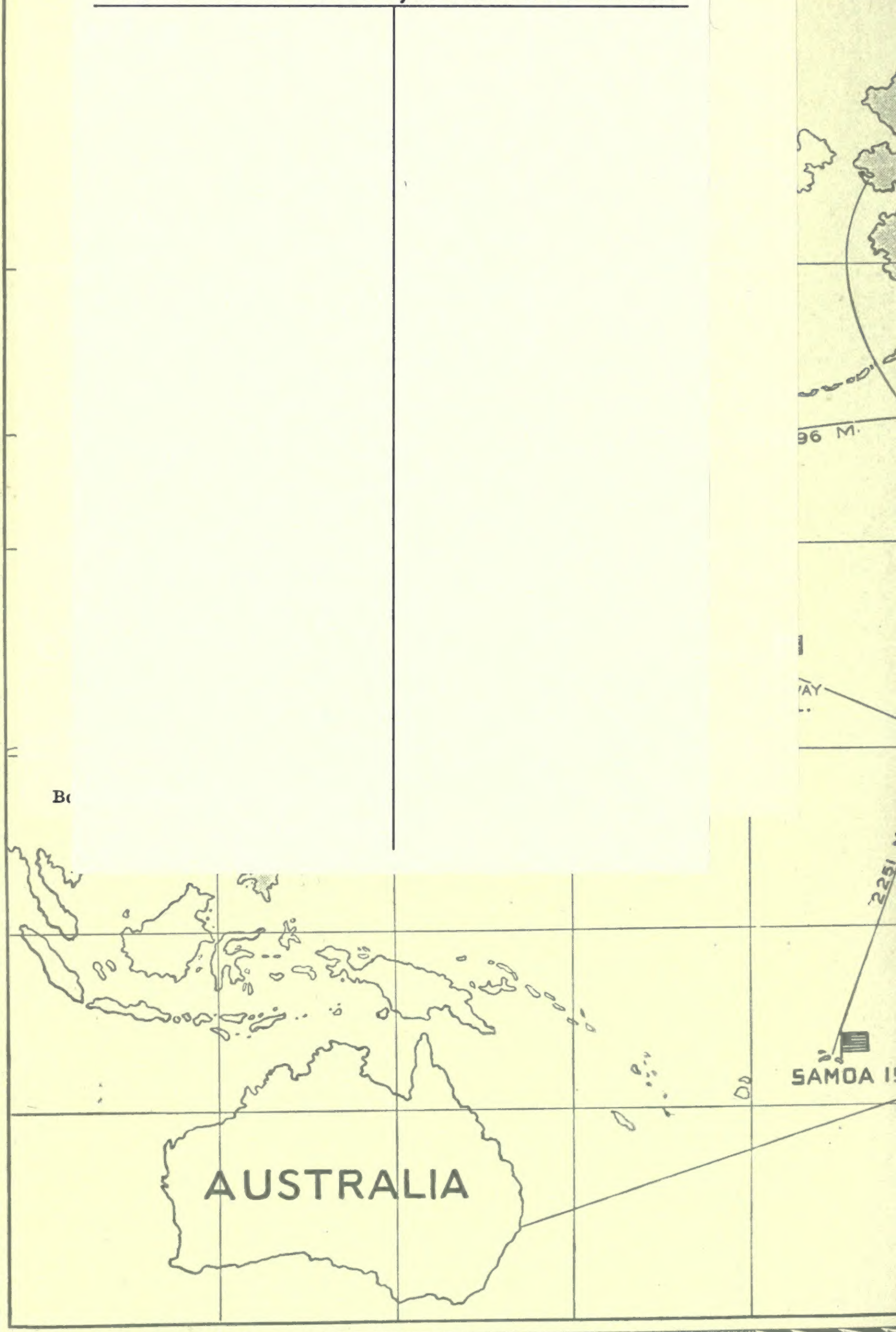
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